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EXECUTIVE SERIES

VOLUME II

GOVERNORS' LETTER-BOOKS

1840-1853



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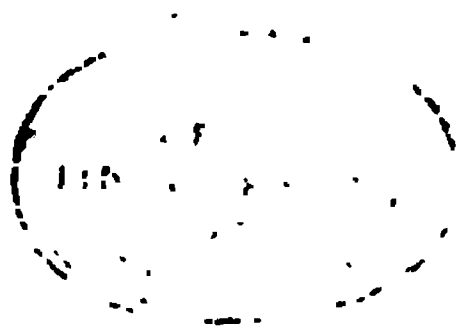
WERNORS' LETTER-BOOKS 1840-1853

1840-1853
1840-1853

Entered by the University of Illinois

BY

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EXECUTIVE SERIES, VOLUME II

Illinois Governors

GOVERNORS' LETTER-BOOKS
1840-1853

EDITED WITH INTRODUCTION AND NOTES

BY

EVARTS BOUTELL GREENE
CHARLES MANFRED THOMPSON
UNIVERSITY OF ILLINOIS



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PREFACE

The preceding volume of this *Executive Series* (Illinois State Historical Library, *Collections*, IV.), was made up of letters taken from Volumes II. and III. of the manuscript series of "Governors' Letter-Books" in the office of the Secretary of State, closing with the correspondence of Governor John Reynolds in 1834. The present volume is similarly made up of the letters in Volumes IV., V., and VI. of the same manuscript series. Of these manuscript volumes, Volume IV. contains letters of Governor Thomas Carlin (February, 1840-March, 1841) and Governor Thomas Ford (December, 1842-November, 1845); Volume V. includes letters of Governor Augustus C. French (December, 1846-April 1852), together with a single letter of Governor Joel A. Matteson (April 12, 1853); Volume VI. is a series of letters chiefly addressed to Governor French by Julius Wadsworth and the firm of Wadsworth and Sheldon, financial agents of the state. These have been included because of the light they throw upon the letters of Governor French.

The series is thus obviously incomplete. There are no letters for the administration of Governor Duncan (1834-1838), for the first year of Governor Carlin's term, or the last year of Governor Ford's. Notwithstanding these deficiencies, it has been thought best to reproduce the letter-books as they stand. Some of the missing letters are doubtless irretrievably lost. Mrs. Julia Duncan Kirby, in her sketch of Governor Duncan, notes the destruction in the great Chicago fire of a considerable body of Duncan manuscripts, then deposited with the Chicago Historical Society.¹ It is hoped that the publication of this series may stimulate an interest in the subject which may result in filling some of the gaps.

¹ Kirby, "Joseph Duncan," in *Fergus Historical Series*, No. 29, p. 5.

Considerable pains have been taken to secure accurate copies of the letter-book text. It is to be noted, however, that the latter is itself a more or less imperfect copy of the original. It is, therefore, quite probable that much of the erratic spelling, punctuation, etc., here reproduced was due simply to the carelessness of clerks in the governor's office.

The text of the letters is supplemented by explanatory notes on persons and events mentioned in the correspondence. In addition to the brief historical statement contained in this introductory chapter, it has been thought desirable to insert a more detailed study of the administration of Governor Thomas Ford. The special emphasis thus given to this administration seems justified by the personality of the governor himself and the critical character of the period.

For assistance given in the preparation of this volume, the editors desire to acknowledge their obligations to Hon. James A. Rose, Secretary of State, and Mr. T. S. McCoy of the same department, to Mrs. Jessie Palmer Weber, Librarian of the State Historical Library, to Professor Clarence W. Alvord, general editor of the series, to Professor Lawrence M. Larson and Mr. C. M. McConn of the University of Illinois for their criticism of manuscript, to Julia Buckmaster, Alton, Mary Dunlap, Jacksonville, Addie E. Benneson, Washington, D. C., Rev. Dudley Eells, Payson, M. J. Howley, Cairo, J. F. King, Peoria, for assistance in collecting local historical material, and to Mrs. Ella M. Thompson, whose incessant labor and keen criticism have lightened the burden of reading proof and making the index.

EVARTS B. GREENE

CHARLES M. THOMPSON

URBANA-CHAMPAIGN,

July, 1910

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GENERAL INTRODUCTION

From the retirement of John Reynolds in 1834 to the inauguration of Governor Matteson in 1853 is roughly a period of two decades. This period, like that which preceded it, was one of rapid growth. The population of the state, as shown by succeeding federal census returns, rose in round numbers from 157,000 in 1830 to 476,000 in 1840, and 851,000 in 1850. By the close of Governor French's administration, there must have been over a million people living within the limits of the state, about four times as many as when Reynolds went out of office in 1834. In 1834, there were sixty organized county governments and by 1851 the number had been increased to one hundred; nearly three-fourths of the new counties were in the northern half of the state, where a large volume of immigration from New York and New England was emphasizing the sectional aspect of state politics.¹ Notable also was the growth of Chicago from a small village in 1830 to a city of nearly 30,000 inhabitants in 1850.

The comparative homogeneity of the earlier years was still further modified by a great number of German and Irish immigrants. By 1853, one of the Irish immigrants, James Shields, had been sent to the United States Senate and one of the Germans, Gustav Koerner, had been elected lieutenant-governor after several years' service on the supreme bench of the state. Less fortunate in its relation to the rest of the community was the Mormon settlement during the administrations of Carlin and Ford.

Naturally enough in such a period of rapid growth, the

¹ Tables in Greene, *Government of Illinois*, Appendices C. and E., drawn from U.S. Census and *Blue Book of Illinois*, 1903.

popular imagination was easily stimulated to large undertakings. The Illinois and Michigan canal, after years of preliminary discussion and survey, was at last actually begun in 1836; and, though interrupted by the financial troubles of the next few years, was carried to completion in 1848. Even more ambitious schemes filled the minds of Illinois legislators. The extravagant Internal Improvement System of 1837, with its appropriation of millions of dollars for railroads and other enterprises illustrated at once the aspirations of the young state and the financial incapacity of its political leaders. The breakdown of the whole enterprise was inevitable, and serious railroad-building had to wait for another decade. Before the close of the period, however, came the federal land grant of 1850 in aid of a railroad from the Lakes to the Gulf; and in 1851 the Illinois Central Railroad Company was chartered by the state. Through the co-operation of the United States, the state, and eastern capitalists the decade of the fifties saw an immense development of railroad mileage.¹

The financial complications resulting from the reckless internal improvements schemes were aggravated by equally inconsiderate state banking operations which showed that the people of Illinois had not yet learned thoroughly the lesson taught by their unfortunate experience with state banking in the twenties. During the early forties the state was on the verge of bankruptcy and repudiation. The story of this crisis in state finance and the way in which it was met by Governor Ford and his associates is told at some length in the succeeding chapter on the Ford administration. Ford's fight for the financial integrity of the state stands out as the heroic episode of the period under dis-

¹ See next chapter. See also *Laws of Illinois*, 1837, 121-151; *U.S. Statutes at Large*, 31st Cong., 1st sess., ch. 61; *Private Laws* (Illinois), 1851, 61-74.

cussion, and may not unfairly be compared with Coles' leadership in the struggle against slavery. The work of financial reconstruction begun by Ford was continued by his successor, Governor French, and the new Constitution of 1848 set its seal on the work by the institution of a two-mill tax to be used exclusively for the payment of the state debt.¹

The Constitution of 1848 reflects in other ways also the economic and political history of the state. Large appointing powers previously given to the general assembly were withdrawn and its legislative authority was sometimes considerably restricted, especially in the field of finance. On the other hand, the governor's position was somewhat strengthened. The council of revision disappeared; and to take its place the governor was given a suspensive vote, still subject however to reversal by a bare majority vote of the legislature. The increasingly northern tone of state politics appeared in the definite prohibition of slavery and in the provision made for township organization.²

During the thirties and forties, there emerged gradually from the confused personal politics of the twenties, definitely organized political parties with their machinery of county and state conventions. The Jacksonian democracy was the first to take definite shape, followed by the union of opposition elements in the Whig party.³

Reynold's successor, Duncan, was elected to congress as a Jacksonian democrat, but he voted against Jackson on important issues and was therefore opposed for election by the radical Jacksonians. His successors, however, Carlin, Ford, French, and Matteson were all regularly nominated

¹ Art. XV.

² The work of this convention is summarized in Greene, *Government of Illinois*, pp. 37-41.

³ Ford, *History of Illinois*, 198-208; Sheahan, *Douglas*, Ch. ii., iii., Kirby, "Joseph Duncan," in *Fergus Historical Series*, No. 29, pp. 26-32.

by the democratic party; and during nearly all this period the legislature was controlled by the same party.

On the national issues of this period also, Illinois generally took the standpoint of orthodox Jacksonian democracy. Its electoral votes were regularly cast for that party from 1832 to 1856. Its congressional delegation was also strongly democratic. By 1850, one of its senators, Stephen A. Douglas, had become one of the recognized leaders of the national democracy; and, in 1852, he was one of the leading candidates for the presidential nomination. The growing prominence of Illinois in national politics was not, however, based wholly on the personality of a single leader. Her electoral vote went up from five in 1832 to nine in 1844 and eleven in 1852.¹

On issues not strictly partisan Illinois stood generally with the western border states. She was enthusiastic for expansion, north or south, and ardently supported the Mexican War. On slavery as a national issue, a conservative spirit prevailed. Abolitionism was discountenanced not only by the lawless elements as illustrated in the Alton riots of 1837, but by the responsible leaders of the state as well; but the northern counties were gradually changing the situation, as shown, for instance, by the Free Soil vote of 1848 and the criticism of Douglas for his vote on the Fugitive Slave Bill of 1850.²

It is evident even from this brief sketch that Governors Ford and French had, in the position of chief executive, responsibilities immensely larger and more complex than those of their predecessors of the twenties. They stood at the head of a commonwealth, which had not only difficult problems

¹ Tables in Greene, *Government of Illinois*, 279, and Moses, *Illinois Historical and Statistical*, II, 1195.

² Greene, "Sectional Forces in Illinois," in Illinois State Historical Society, *Transactions* (1903), 75-83.

within its own borders but was coming to have a larger part in the interplay of state and national forces.

Of the four governors who held office between December, 1834, and January, 1853, Thomas Ford has as already indicated been made the subject of a special study. Regarding the others a few personal notes may be of interest. Two of them, Joseph Duncan (1834-1838), and Thomas Carlin (1838-1842), were born in Kentucky, Duncan of Virginia parentage and Carlin of Irish stock. Ford (1842-1846) was born in Pennsylvania, but grew up in the distinctly border-state environment of southern Illinois. It must be said, however, that unlike many of his southern Illinois contemporaries, he appreciated the good qualities of his Yankee neighbors. The first Illinois governor of distinctly Yankee stock was Augustus C. French, a native of New Hampshire.

In breadth of experience and range of interest, none of these four men seems quite the equal of Governor Coles, but Duncan more nearly resembles him in this respect than any of the others. Though several of his brothers were college graduates, Joseph Duncan himself missed the advantages of college training. He found his substitute for conventional academic education during the war of 1812 as a young officer in the American army. In this service he showed courage and ability. For his gallantry in the defense of Fort Stephenson against the British he received with several of his associates the thanks of Congress and a sword. A few years after the war, he came to Illinois, and in 1824 became a member of the State Senate. Then came six years of service as a member of the United States House of Representatives.¹

As governor, Duncan took a conservative attitude on the

¹ Kirby, "Joseph Duncan," in *Fergus Historical Series*, No. 29, 1-28.

question of internal improvements. He favored the construction of the Illinois and Michigan Canal, but urged that other improvements be left so far as practicable, to private initiative. He joined with the other members of the Council of Revision in their unsuccessful attempt to prevent the adoption of the so-called "system" of 1837; and on the state banking question Duncan took a similar position. He opposed the chartering of the State Bank, but was again overruled and his administration closed in the shadow of the great financial depression which began with the panic of 1837. On other issues also Duncan displayed a conservative temper. Although condemning the Alton riots of 1837, he thoroughly disapproved of Lovejoy and his abolitionist associates; and on one occasion proposed to resign from the Board of Trustees of Illinois College, because he believed the faculty was tainted with abolitionism. The most attractive aspect of his administration was his persistent, though largely unsuccessful, efforts in the cause of public education.¹

Duncan's successor, Thomas Carlin, was a man of narrower experience and intellectual outlook. He had seen service in the war of 1812 and in the Black Hawk disturbances and was for several years a member of the State Senate. He was not only deficient in his early education, but lacked the broadening influence of public service outside the limits of his own frontier community. Nevertheless he had a reputation for honesty and practical sense. Unlike Duncan, he was a thoroughgoing partisan democrat of the Jackson-Benton school.

The period of Carlin's administration was, perhaps, the most depressing in the history of state affairs. The consequences of reckless state legislation had been intensified

¹ Kirby, "Joseph Duncan," in *Fergus Historical Series*, No. 29, pp. 32-54.

by the effects of a worldwide financial disturbance. The internal improvement "system" was repealed, but its consequences remained in an almost hopeless load of debt. The bank situation went from bad to worse, and the prospect of completing the canal seemed very remote. To the solution of these perplexing problems, Carlin and his associates were clearly unequal, and the task was transferred to his successor.¹

The story of the Ford administration, its problems, and its achievements is the subject of the next chapter and need not be rehearsed here.

Ford's successor, Augustus C. French, was a New Englander not only by birth but by early education as well. Coming to Illinois as a young man, he built up a successful practice at the bar, and was sent to the legislature in 1836, in time to cast his vote for the "system" of 1837. Elected in 1846 as a Democrat, over a Whig competitor, his first term was cut short by the adoption of the new Constitution in 1848, but he was renominated and re-elected for a second term of four years, no formal Whig nomination being made against him.²

French's correspondence indicates that he was, on the whole, a conscientious and intelligent administrator, carrying forward successfully the work of financial readjustment begun by Ford. The most notable achievement of this administration was the inauguration of the Illinois Central Railroad. After several years the efforts of the Illinois delegation in Congress, led by Douglas and Breese, were rewarded by the federal land grant of 1850. There was some discussion about the relative advantages of construc-

¹ See J. F. Snyder, *Adam W. Snyder* (Ed. 1906), *passim*, especially pp. 270 ff.

² *Post*, 131; Ford, *History of Illinois*, 194; Moses, *Illinois Historical and Statistical*, II., 560.

tion by the state on the one side and the chartering of a private railroad corporation on the other; but the latter view prevailed. The Illinois Central Charter of 1851 not only made possible an important addition to the transportation facilities of the state but also secured a direct contribution from the revenues of the railroad to the state treasury.¹

It remains to indicate briefly the character of the material contained in the Letter-books. In this, as in the previous volume, many important questions are left untouched or only briefly mentioned. There is, for instance, only the most meager reference to such important matters as the settlement of the Mormons and their expulsion, the Mexican War, and the constitutional Convention of 1847. The absence of any letters between 1834 and 1840 leaves untouched the initiation and enactment of the disastrous internal improvement and state banking measures.

From 1840 to 1853, state finance occupies the center of the stage and relegates all other topics to a subordinate place. Carlin's opening letter of February 18, 1840 discusses a proposed sale of bonds to the London firm of Wright & Co., which he at first disapproved but finally agreed to. The tone of the letter is strongly pessimistic. "I am as clearly convinced," he says, "that the Canal project will fail as I am of the utter failure of the Internal Improvement System." He notes a prevailing doubt "whether posterity will pay the debts" imposed by "the present generation." Notwithstanding his discouragement he stood by the old Jeffersonian creed, resisting vigorously the proposed federal assumption of state debts. Even bankruptcy seemed to him infinitely preferable "to plunging the whole country

¹ *U.S. Statutes at Large*, 31st Cong., 1st Sess., ch. 61; *Private Laws* (Illinois), 1851, 61-74.

into that vortex of folly, extravagance, and ruin to which the assumption of the State debts must evidently lead.”¹

Through the remainder of Carlin’s administration and that of Governor Ford, the leading, almost the exclusive, topics are the financing of the canal, the winding-up of the state banking system, and the state debt. Ford’s letters of January 11, 1843 and March 7, 1843 are typical of the man, insisting upon sound principles of economy and urging the purpose of the state to deal with its creditors in absolute good faith.²

During French’s administration, the public debt in its various phases continued to be the main theme of the correspondence. There was evidently a decided clearing of the financial atmosphere, in the spring of 1847, after Governor French visited New York; and on June 3, Julius Wadsworth, one of the financial agents of the state, wrote as follows: “I am happy to find that the impression made by you whilst here is very favorable to yourself and to the interests and prospects of the state. In fact your course and policy in relation to the financial affairs of the State have inspired new confidence in the integrity and ability of the State and her citizens, and cannot fail, I believe to place Illinois once more, and at no far distant period, on an equal footing with the first states in the Union.”³ There were still knotty problems to work out, of which the principal was perhaps the long-drawn-out controversy regarding the Macalister and Stebbins Bonds. There were also complaints about the delays in the payment of interest. Gradually, however, old claims were settled and the credit of the state restored.

There are several letters showing lack of harmony in

¹ *Post*, 5-8.

² *Post*, 252.

³ *Post*, 44, 58-62

the administration of the canal business. Governor French was dissatisfied with the service rendered by Chief Engineer William Gooding and finally removed him. Thereupon the trustees in defiance of French appointed Gooding as secretary of the board.¹

An interesting part of the correspondence is a series of letters from Julius Wadsworth to Governor French about the construction of the Central Railroad. After consulting with Senator Douglas, and apparently acting on his advice, Wadsworth issued in October, 1850, a circular letter to the creditors of the State calling attention to the congressional land grant which had been made at the last session. He suggested that they should "adopt some plan of action which will enable the state to construct the entire line of road, and secure the same, together with the profits therefrom, to the creditors, for the payment of their claims."²

Governor French did not agree with Wadsworth's suggestion and favored the plan, which was adopted by the legislature at its next session, of giving the lands to a company which should undertake the construction of the railroad.³

Outside of these matters of finance, there are some side-lights on other questions of state and national politics. The thoroughgoing quality of Illinois democracy comes out in such letters as that of Carlin, already quoted, on the proposed assumption of state debts and one of Ford's to Andrew Jackson, in January, 1843. Ford's letter inclosed resolutions of the General Assembly calling on Congress to return the fine imposed on Jackson in 1815 by Judge Hall of the United States District Court of Louisiana. He added his own tribute to the old hero "in the evening of your long, eventful, and illustrious life."⁴

¹ *Post*, 144, 145 n., 193.

² *Post*, 369, 374.

³ *Post*, 352, 355, 357-360.

⁴ *Post*, 43, 44.

The slavery issue comes up in some correspondence with the governor of Missouri. Even a state government which gave little encouragement to abolitionists was made to realize at times the difficulties of a Union, "half slave and half free." Early in 1843, Governor Ford received from Governor Reynolds of Missouri a demand for the surrender of Richard Eells, a well-known abolitionist, Liberty party leader, and "underground railroad" manager, as a fugitive from justice on the charge of stealing a slave. Ford refused the requisition on the ground that Eells had not been in Missouri and therefore could not be regarded as a fugitive from justice in that state. In his long letter to Reynolds, Ford took great pains to make it clear that he had no sympathy with the abolitionist radicals. In his opinion, ninety nine out of every hundred Illinois citizens, looked "with indignation and abhorrence upon the conduct of an incendiary and misguided few amongst us, who have interfered . . . with the right of the people of Missouri, to a class of persons there made private property by the constitution and laws of your state. In that disposition and feeling, I myself, fully participate with the great mass of the people here." Ford insisted, however, that though public opinion in Illinois was wholly unfavorable to the "fanatical and misguided Sect called Abolitionists," "a hard case of oppression; the arrest, imprisonment and transportation of an innocent man, under pretence of suppressing or punishing the excesses of a Sect," might create popular sympathy and thus "add to their numbers," and "swell the inconvenience of their fanaticism to the people of Missouri."¹

In the Eells case, the free-state governor had the whip hand. In 1849, however, another case arose in which the

¹ *Post*, 65, 69-78.

tables were turned. In this instance, Governor French issued a requisition on Governor King of Missouri for the surrender of three persons indicted by the grand jury of Alexander County, on the charge of kidnaping a man named Wade. King replied with the statement that Wade was a slave and that the persons charged with kidnaping were merely aiding the owner in the exercise of his "unqualified constitutional right" "to seize and repossess his slave, and no state has the power to make it a felony to do so." For the exercise of such a right, King declared he would not consent "that a citizen of Missouri shall be taken in chains, as a criminal, to Illinois to be tried." This refusal French met with the rejoinder that it would "probably be difficult to prove that the State of Illinois has not a clearly constitutional right in the management of her internal police, to punish a person criminally for not proceeding according to the Constitution and Laws of the United States, by which the public peace is broken and the quiet and tranquillity of the State disturbed."¹

Another extradition controversy arose in connection with the Mormon settlement. In the summer of 1843, Governor Reynolds of Missouri issued a requisition for the delivery of Joseph Smith on the charge of treason. Ford issued a writ for the arrest of Smith who was duly placed in the custody of the Missouri agents. The municipal court of Nauvoo, however, discharged Smith from custody on a writ of *habeas corpus*. Ford was then called upon to use military force, but he refused on the ground that he could not legally do so under the constitutions and laws of the state.²

In closing, we may note a picturesque controversy between the state of Illinois and the city of St. Louis, arising in 1848

¹ *Post*, 207, 209, 212-216.

² *Post*, 94-101.

through the proposal of the latter to improve its harbor facilities by constructing a dam, which it was feared would divert the current of the Mississippi from the Illinois to the Missouri side, to the injury of the former state. Governor French sent a letter of protest to Mayor Krum of St. Louis. The continuance of the work in spite of these objections led Governor French to propose more vigorous measures. In a letter to the sheriff of St. Clair County he declared that the injunction must be enforced, "let the consequences be what they may." The sheriff was authorized to employ the militia, if necessary, and the Governor added, "I think you have a cannon at Belleville, there are cannon also at Alton, which you are authorised also to take, if required." In the end, however, a compromise was reached.¹

¹ *Post*, 171-173, 177, 178.

A STUDY OF THE ADMINISTRATION OF GOVERNOR THOMAS FORD

By CHARLES MANFRED THOMPSON

I. NOMINATION AND ELECTION

During the first three decades of her existence as an American commonwealth, Illinois may be said to have been in an experimental stage. In common with her sister states of the Mississippi Valley, she initiated public undertakings too costly for her resources and out of proportion to the needs of a frontier people. From the comparatively thickly populated Atlantic States, where public enterprises had been carried out with considerable success, came many of the public-spirited and well-to-do settlers of Illinois. With little regard for the differences in economic environment, the friends of artificial waterways argued that the building of the Erie Canal proved conclusively that such an undertaking in Illinois would be not only possible but profitable. With this parallel established, those who favored internal improvements and state banks had little difficulty in convincing the people that they must bestir themselves without delay, if they expected to put Illinois in the front rank of the newer states. Without adequate consideration for actual needs, railroads were projected across the deserted prairies, and attempts made to make navigable such streams as the Kaskaskia and the Little Wabash rivers. To support these undertakings the state entered upon a system of banking as disastrous in the end as it was chimerical at the beginning.

The building of internal improvements was not a strict party measure, on account of the unanimity of the people

in demanding them. Opposition was personal and sectional rather than political. To be consistent with national politics, the Democrats favored the banks, although they were the creation of Whig legislation and were managed by Whig appointees. As soon as the impracticability of these schemes became evident, political leaders lost no time in attempting to lay their failure at the door of the opposite party. Each side, however, skilfully evaded the displeasure of the people with the result that the relative strength of the two parties remained practically unchanged. Although the Whigs had succeeded in dominating a few sessions of the General Assembly they had never been able to elect a Whig governor, and their only hope was to maintain a critical attitude toward their opponents with the expectation that some extremely unpopular legislation or executive act might deflect from them the small number of votes necessary to change the political complexion of the state.¹

The smallness of the Democratic majorities in the years 1838, 1840, and 1841 convinced the leaders of each party that the campaign of 1842 would be a close contest.² The Democratic state convention met at Springfield, December 13, 1841, and without seriously considering other candidates nominated Adam W. Snyder and "Honest" John Moore for the offices of governor and lieutenant-governor respectively.³ A better choice could not have been made. Colonel Snyder was favorably known as a lawyer and legislator

¹ Presidential election, 1836: Democrats, 18,412; Whigs, 15,220. Gubernatorial election, 1838: Democrats, 30,668; Whigs, 29,772. Presidential election, 1840: Democrats, 47,631; Whigs, 45,574.—*Blue Book of Illinois*, 1905.

Congressional election, 1841: Democrats, 34,572; Whigs, 34,288.—*Niles' National Register*, LXI., 119.

² *Ante*, n. 1; *post*, xxxvi.

³ Snyder, *Adam W. Snyder in Illinois History*, 384-85; *Niles' National Register*, LXII., 274; *State Register*, December 17, 1841. For a comparison of the Democratic conventions of 1841 and 1846, see *State Register*, January 30, 1846.

of tact and ability, and had the faculty of inspiring confidence wherever he went. Mr. Moore was an Englishman by birth and a man of sterling character, which earned for him the name "honest" among those who knew him best. Without calling a convention and by common consent, ex-Governor Joseph Duncan was selected by the Whigs as their standard bearer with William H. Henderson as his running-mate. The Whigs too made an excellent selection. Governor Duncan's record as a public man was good, both as a legislator in Congress and in the General Assembly, and as the executive of the state. Mr. Henderson had served in the General Assembly from 1838 to 1842 and, as a consequence, was no stranger to the people of the state.

The Mormons had removed to Illinois in the winter of 1839-40 and at the next presidential election had cast their votes for the Whig candidates. Meanwhile the Democratic party had lost no opportunity to ingratiate itself in the good graces of Joseph Smith, the Mormon prophet, and his followers.¹ A Democratic legislature had granted to the Mormon city, Nauvoo, a charter drawn up in such a way that misinterpretation was not only possible but inevitable. Acting under this charter, the Nauvoo city authorities had made ordinances obnoxious to the non-Mormon population of Hancock and the adjoining counties with the result that many people hesitated to vote for any candidate favored by this new sect. The campaign was hardly under way before the Whig candidate brought to the front the paramount issue, the Mormon question. Astute politicians of each party had every reason to believe that questions of public finance and internal improvements would be the issues upon which the opposing candidates would join. As

¹ Stenhouse, *The Rocky Mountain Saints*, 133; Linn, *The Story of the Mormons*, 244; Reynolds, *My Own Times*, 576.

far as the political parties were concerned, neither had a clean record in the Mormon legislation, each having busied itself in trying to gain the Mormon vote at any cost. The Whigs had the advantage, however, for they had been an irresponsible minority in the legislature and their candidate for governor had taken no public part in the affair, being in private life at the time. The Democrats on the other hand had overreached themselves in their zeal to be more generous than their opponents.

As the Mormons had fallen into disrepute, those who had been active in securing for them favorable legislation were in danger of being discredited politically and cast aside for less worthy but more available candidates.¹ As the campaign grew older the situation became more complicated, for no one knew whether or not the fear of Mormon domination in state politics would cause the anti-Mormon Democrats to cast their lot with the Whigs. The Whig newspapers were numerous for the time and well edited, and stories detrimental to the Democratic candidates went the rounds and suffered no diminution in their going.²

In May, 1842, death removed Colonel Snyder from the contest, and awaiting the naming of a successor, there was a lull in the campaign. Party managers knew very well that a proper selection would lessen the weight of the Whig argument and at the same time give the party a chance to retain the Mormon vote. Available candidates were scarce. Practically every well-known public man in the state was an impossibility on account of his past attitude toward the

¹ Colonel Snyder was chairman of the judiciary committee, from which the Nauvoo charter came with recommendations for its passage (*Senate Journal*, 1840-41, 45).

² One report was that the Mormons had "concluded to have a ticket of their own and had nominated Adam W. Snyder for governor and John Moore for lieutenant-governor."—*Niles' National Register*, LXII., 357. Dr. Snyder, in *Adam W. Snyder in Illinois History*, has analyzed the situation and arrived at the conclusion that any influential Democrat could have been elected. In my opinion, however, his evidence is not so conclusive that the last word on the subject has been said.

Mormon question. Members of the legislature were on record; lawyers all over the state had expressed their opinions publicly on the constitutionality of the Nauvoo charter; and more than one judge had been compelled to render decisions in which the authority of the charter was in question.

Even in such a crisis several Democratic newspapers groomed favorite sons of their respective localities, and urged their fitness upon the leaders of the party. Aware of the danger to which the party would be exposed by an injudicious selection, several of the more influential papers, either by accident or design, united in presenting the name of Judge Thomas Ford for the party's consideration.¹ The result was, that a committee² made up of Democrats from all over the state, met at Springfield, June 7, and unanimously selected Judge Ford to fill the vacancy caused by Colonel Snyder's death.³

Although the new nominee was a native of Pennsylvania, he had lived in Illinois since 1805, having been brought to Monroe County by his widowed mother at the age of five. Except for a short residence at Transylvania University, Lexington, Kentucky, his only educational advantages were the rural schools and close intimacy with such men as his half-brother, George Forquer, and Daniel P. Cook. Early in life Ford gave promise of a strong and vigorous mind, such as is the product of a pioneer community where self-reliance is learned in the great school of necessity. Mr. Cook took an interest in the boy, and encouraged him to spend his spare moments in reading law. Later young Ford entered Mr. Cook's law office where by close application

¹ *State Register*, June 3, 1842.

² This meeting is sometimes called a convention.

³ *State Register*, June 10, 1842. This committee met at the office of the *State Register*, and was careful to avoid mentioning the Mormons, confining itself to stating the supposed attitude of the new candidate on the public debt and taxation.

and honest endeavor he was able to acquire a knowledge of the subject sufficient to enable him to begin practice in 1823.

Ford soon gained local prominence at the bar and six years after his admission was appointed district prosecuting attorney by Governor Edwards, to which office he was reappointed, in 1831, by Governor Reynolds. While filling this office he is said to have instilled in the minds of the roughest frontiersmen a respect for the majesty of the law. In 1835, the General Assembly appointed him circuit judge, and three times afterward he was selected for important places on the bench—once again as circuit judge, once as judge of Chicago, and finally as justice of the Supreme Court in 1841, in which capacity he was serving when the gubernatorial nomination came to him in 1842.

The motives that prompted this selection were various. Although Ford had been a public servant in several capacities, yet this was the first time that his name had been before the people. All his previous offices had been bestowed upon him by the governor and the legislature, a fact significant when it is considered that his opponent had held more than one office at the hands of the voters. Ford's judicial duties had been removed from the locality of the Mormon settlements, and so far he was free from any embarrassing entanglements. As a lawyer and a judge he had formed a wide acquaintance throughout the state, especially in the northern part. Although he lacked the eloquence so much admired in the early pleaders, he won cases and made friends by his quiet modesty and thorough sincerity. He was selected because it was thought that he might be able to secure the support of both the northern and southern sections of the state. The southern counties might object to a candidate selected from the New Englanders settled in the north, but never to Ford, who had spent his early man-

hood in Monroe County and who knew and appreciated the sterling qualities of the southern settlers. On the other hand the people of the northern counties had learned to know Ford and to value his ability and integrity. In every respect he was one of their number and merited their support at the polls.¹

At the time of his nomination, Judge Ford, as a judge of the Supreme Court, was holding circuit court on the Fox River.² Hastening to Springfield, he resigned his office and made preparation to enter immediately into the campaign, which was to close early in August.³ As was expected the Whigs attempted to make the people believe that the new candidate had inherited the Mormon attitude of his deceased predecessor, but they did not succeed. The Mormons themselves refused to conceal their position, coming out openly for the Democratic candidate for governor, despite the fact that no new candidate had yet been named by the party.⁴ The Whig press retaliated by declaring that a conspiracy existed to throw the Mormon vote to the opposing party.⁵ To make the situation more complex Judge Ford himself, in a published communication, declared that he had no idea of getting the Mormon vote,⁶ and at another time publicly called the prophet an impostor and a great scoundrel, and pledged himself to support a repeal of the Nauvoo charter.⁷

¹ For history of Ford's early life see John Reynolds, *My Own Times*; *National Cyclopaedia of American Biography*; *Blue Book of Illinois*, 1905; Snyder, *Journal of Illinois State Historical Society*, July, 1910; this paper on Ford.

² At this time there were no circuit judges in Illinois. By an act of February 10, 1841, the number of supreme judges was increased to nine, and the business formerly done by the circuit judges was given into their hands (*Blue Book of Illinois*, 1907).

³ The election was set for the first Monday in August (*Constitution of Illinois*, 1818, Art. III, par. 2).

⁴ *The Wasp*, May 28, 1842.

⁵ *Sangamo Journal*, July 7, 14, 1842.

⁶ *State Register*, July 1, 1842.

⁷ *Sangamo Journal*, July 21, 1842. This statement was made at Mt. Carmel in a public address delivered July 9, 1842.

Besides the Mormon question there were questions relating to internal improvements, banks, state debt, and increased taxation. On each of these there was a popular side, and both Democrats and Whigs endeavored to claim all the good in every case and fasten all the evils upon their opponents. The success of any particular candidate depended a great deal upon his dexterity in evading the real issue or in forcing his opponent into making injudicious statements. Upon each of these propositions Ford took a decided stand, for it was foreign to his nature and legal training to say one thing and believe another. Politically he was a Democrat but not identified with the faction that he delighted to call "ultra." On account of this position he found many of his policies coldly received by men that had been leaders in the party for years.

During the campaign several joint meetings were held with the rival candidates for governor. In all these meetings, ex-Governor Duncan showed his superiority as a campaigner. Ford was inclined to be nervous while addressing his audience, a fact which made his reception less cordial than it would have been otherwise. Notwithstanding this disability, the crowds that assembled to hear the rival candidates discuss the issues of the day were influenced to support Ford by his frankness and sincerity. Strange to say, the newspapers indulged very little in personalities, in spite of the fact that it was a time when men and not principles were closely scrutinized and their weaknesses held up by the opposition press. Ford's hardest task was to make known his position on the different issues. In southern Illinois it was charged by his opponents that he favored the claims of Wisconsin for the northernmost fourteen counties, and that he was for completing the Illinois and Michigan Canal at any cost. On the other hand, he was compelled to refute

the charge made against him in northern Illinois that he favored the abandonment of the canal. How well Ford met these accusations is shown by his majority over ex-Governor Duncan, who, until this time, had never been defeated at the polls.¹

II. CONDITIONS IN 1842

It is quite probable that no other chief executive of Illinois has assumed the duties of that office under greater difficulties than those which confronted the new governor. By his own acknowledgment, he had never considered himself a public man, and had been concerned little with the politics and policies of the state.² As yet he was untried. Possessed of an unbending integrity in public affairs, his actions often bordered on intolerance and dogmatism of the worst type. All along he had been of the opinion that his selection as the Democratic standard bearer was due to his availability rather than his merits. Such an attitude of mind put him constantly on the defensive and made him suspicious of every advance made by the leaders of the party.³ Devoid of that nature which allows some men to receive every suggestion made, to use those which serve their purpose and to discard the others without giving offense, Ford was thrown back upon the necessity of carrying forward his policies by dogged persistency.

The winter of 1842-43 was a critical period in the history of the state. Great problems presented themselves to the

¹ Result of the election: Ford, 46,598; Duncan, 38,873 (*Proceedings of the House*, December 6, 1842; *Sangamo Journal*, December 8, 1842). This is slightly different from the vote as given in the *Blue Book of Illinois*. Vote in Hancock County: Ford, 1,748; Duncan, 711.

² Ford, *History of Illinois*, 270.

³ Moses, *Illinois Historical and Statistical*, I., 454. Ford himself says that he was under the necessity of calling to the minds of some of the more influential Democrats that he had been elected governor and not they (Ford, *History of Illinois*, 272).

lawmakers, problems that had assumed gigantic proportions and demanded immediate solution. The preceding administration had signally failed in providing a remedy for the pernicious evils that had been creeping into the affairs of the state for the past decade.¹ Governor Carlin's valedictory message to the legislature was weak and inconsistent with his former ones; it breathed despair in every line in which the financial conditions of the state were discussed.

Both the Bank of Illinois and the State Bank of Illinois, in which the state held large interests, had failed during the year, leaving the people without an adequate medium of exchange.² Times were hard and business failures occurred daily.³ The people were in debt and without means of discharging their obligations; wages were low; and the farmers could get little for their products, in many localities nothing at all.

To finance its various undertakings the state had contracted an enormous debt, which at this time amounted to more than \$15,000,000, and which was increasing at the rate of a round million a year on account of the accumulation of unpaid interest. Besides this the state had borrowed \$313,000, for the purpose of paying the ordinary running expenses, which at this time exceeded the receipts for that purpose by something like \$40,000 yearly. State bonds were almost worthless, bringing in some cases less than one-seventh of their face value, and the treasury was empty. It was customary at this time for the receiver of mail to pay the postage and, as a consequence, the governor often found it necessary, before he could get the state's official mail, to

¹ Moses, *Illinois Historical and Statistical*, I., 453.

² It was estimated at the time that there was not enough specie in the state to pay the taxes one year (*House Journal*, 1842-43, 44).

³ In many issues of the *Sangamo Journal* at this time, more than a whole page was given up each week to bankruptcy notices.

go out in the city of Springfield and sell auditor's warrants at fifty cents on the dollar.¹

In the face of all this, it is no wonder that the cry of repudiation was heard on all sides. The load seemed unbearable.² The people knew that they had not been altogether to blame for the condition in which the state found itself. Great sums of money had been wasted in an extravagant manner. Bonds valued at millions had been loaned, hypothecated, and deposited under such conditions that the whole amount was lost to the state for the time being. In financial centers the name of the state was associated with repudiation.³ Other states had taken steps in that direction—why not Illinois? To lead in this direction would bring temporary power and popularity; to oppose

¹ *Post*, 45.
² In 1880 it was estimated that a state debt at that time of \$150,000,000 would be a less burden on the people than the debt of \$15,000,000 in 1842 (Davidson and Stuvé, *History of Illinois, 1673-1884*, 449). Considering the population and wealth, the state could carry a debt of half a billion dollars in 1910 as easily as it did the debt in 1842.
³ On the day of Governor Ford's inauguration there appeared in the *London Times* (December 8, 1842) a list of the states of the American Union, classified according to their ability to pay their debts, considered of course from an English standpoint:

State	Debt	Yearly Interest
<i>First class—</i>		
Maine.....	\$ 1,678,367	\$ 99,000
Massachusetts.....	7,272,839	313,000
New York.....	22,000,000	1,110,000
Ohio.....	13,724,755	823,485
Kentucky.....	3,790,500	222,000
Tennessee.....	3,016,961	187,408
<i>Second class—</i>		
Pennsylvania.....	40,000,000	2,000,000
Virginia.....	7,953,000	437,461
Maryland.....	15,346,000	767,800
South Carolina	7,553,770	287,687
Georgia.....	1,500,000	65,000
Missouri.....	1,592,000	95,520
<i>Third class—</i>		
Mississippi.....	7,500,000	625,000
Florida.....	3,500,000	210,000
Alabama.....	10,640,000	600,300
Louisiana.....	23,870,100	1,193,550
Indiana.....	15,000,000	750,000
Michigan.....	5,000,000	250,000
Illinois.....	17,643,601	932,430
Arkansas.....	3,100,000	186,000
Wisconsin (Ter.).....	100,000	5,000

might bring down an avalanche, carrying in its train political ruin to everyone whose face was turned against it.

Amidst doubts and discouragements, but one thing offered itself as a firm foundation upon which the broken state might rebuild. The Illinois and Michigan Canal was two-thirds completed, having up to this time cost the state more than \$5,000,000. By changing the plans of construction, it could be completed by a further expenditure of \$1,600,000. A completed canal meant everything. It was expected that its revenues would provide a sinking-fund besides paying interest on the sum expended in its construction. In addition to the canal proper, there were the canal lands consisting of almost a quarter million acres, whose value would be so enhanced by their proximity to the canal that the amount received from them would go a long way in extinguishing the entire state debt.¹

On account of the dissension between the Mormons and their neighbors,² it was generally recognized that the whole question of the Nauvoo charter and other privileges granted to that sect would be discussed in the coming session of the legislature. The matter was delicate and few believed that any bills concerning the Mormons would pass through that body. The danger was not in legislation but in discussion. The farsighted members saw that an opportunity would be presented for designing politicians to strengthen themselves among their constituents by taking whichever side suited their interests, thereby dragging the energies

¹ The state held 230,476 acres of land valued on the completion of the canal at \$10 per acre, and 3,491 lots in the cities and towns of Chicago, Lockport, Ottawa, and La Salle, valued at \$1,900,000. It was further estimated that the rentals of the water power would aggregate \$75,000 to \$100,000 yearly, and that by the second year of the operation of the canal the tolls would reach \$363,865.25 (*Davis and Swift's Report of the Illinois and Michigan Canal*, 13-14, 42).

² United opposition to the Mormons began early in 1841 (*Niles' National Register*, LX., 288).

of the lawmakers in a direction quite contrary to that demanded by the best interests of the state.

III. STATE BANKS

The same visionary spirit of enterprise that brought the Internal Improvement System into existence is accountable for the establishment and maintenance of banks controlled and owned in part by the state. Although the commonwealth had had a disastrous experience in banking during the first decade of its existence, the lesson was soon forgotten under the necessity of providing adequate means of exchange. On account of the great quantity of bonds to be sold and the wide distribution of the proceeds for labor and material, the banks were a fit companion for a system of improvements that promised so much and brought forth so little.

The Ninth General Assembly, 1834-36, provided for a new state bank with a capital of \$1,500,000, reserving to the state the right to subscribe for one-fifteenth of the capital stock whenever, in the judgment of some future General Assembly, the condition of the treasury would justify such action. The life of the charter was limited, expiring by legislative enactment January 1, 1860. The institution was authorized to issue notes, receive deposits, and perform all other functions customary to banking at that time. In lieu of taxation the bank was required to pay annually into the state treasury one-half of 1 per cent of its paid-up capital.¹

At the same session the old Shawneetown Bank, which had been inactive for a decade, succeeded in having its charter extended twenty years beyond the date of its original

¹ *Laws of Illinois*, 1834-35, 7-14. For a good account of the organization see Davidson and Stuvé, *History of Illinois*, 1673-1884, 416-27; Knox, *A History of Banking in the United States*, 713-16. One cannot be too careful in distinguishing between the State Bank of Illinois and the Bank of Illinois. Even the legislative acts concerning these institutions are not always clear.

expiration, which would have been January 1, 1837, and is thenceforth known as the Bank of Illinois.¹ The same privileges and immunities were extended to both banks. The state took an option upon one-third of the stock of the Bank of Illinois, which amounted to \$300,000, not primarily with the idea of assuming part control, but rather because the opinion was prevalent that the stock could be sold on the market at a handsome premium.

The capital stock of each bank was immediately oversubscribed. The spell had fallen alike on states and individuals, on individuals outside the state as well as on those within. The fact that the successful financiers and business men of the state had no hesitancy in taking all the stock that they could carry is significant in the light of subsequent events. The rush for subscription from outside the state was of such a volume that it was restricted by those having the organization in charge. Hardly had the enterprise got under way before an uncompromising struggle began for management, a struggle the disastrous effects of which were felt until the banks were completely overthrown, a struggle in which cities and localities took part and in which the battle-cry was "rule or ruin."²

When the session convened December 5, 1836, there was no hesitancy on the part of the lawmakers in definitely committing the state to a principle of public banking. The infatuation of internal improvements had done its work; the people had spoken and the legislature stood ready to obey their commands.³ The capital of the State Bank was increased from \$1,500,000 to \$3,500,000, that of the Bank of Illinois, from \$300,000 to \$1,700,000. In doing this the

¹ *Laws of Illinois Territory*, 1816-17, 11-19; *Laws of Illinois*, 1834-35, 21-22.

² Ford, *History of Illinois*, 175-76.

³ *Laws of Illinois*, 1836-37, 18.

state reserved the right to subscribe for the entire increase of the former and \$1,000,000 of the latter, payable in each case by funds raised by selling state bonds.¹ At the same time the banks were made public depositories and in a way fiscal agents of the state.²

Hardly had the banks opened their doors after this sudden inflation, before the crisis of 1837 was upon them. At the risk of losing their charters, they suspended specie payment. Succeeding General Assemblies were liberal in legislating for these institutions, but to no avail.³ The inevitable was at hand. Both banks closed their doors in 1842, the State Bank in February and the Bank of Illinois in June.

The banks had become mixed up in politics, and on account of the environment in which they were created and the personnel of their officers were considered to be Whig institutions. Party lines were drawn more or less closely, reflecting the national situation remarkably well. As soon as the first wave of enthusiasm had passed, the banks began to be unpopular, especially on account of their discrimination in making loans to favored men of favored localities.⁴ The Democrats quickly perceived the situation and turned it into political capital. While the Whigs were inclined secretly to believe the connection between the banks and the state to be illegitimate and undesirable, they came out openly for them, prompted no doubt by a desire to be consistent with previous Whig policies. While they thus declared for the maintenance of these institutions, the party leaders recognized the danger of their position and as a result indulged in generalities only on the subject.⁵

¹ *Laws of Illinois*, 1836-37, 18-19.

² *Ibid.*, 22; Davidson and Stuvé, *History of Illinois*, 1673-1884, 427.

³ *Laws of Illinois*, 1839-40, 15; 1841, 40-42; Ford, *History of Illinois* 225-26.

⁴ Knox, *A History of Banking in the United States*, 718-19.

⁵ *Sangamo Journal*, March 4, 11, 18, 1842; January 5, 1843.

To complicate matters the Democrats had not agreed upon the exact attitude that the General Assembly ought to take toward the banks. On their part there had been a lack of consistency in the campaign of 1841-42, the policy being made to conform in many cases to suit individual candidates and particular localities. When the legislature met in December, 1842, it was generally agreed that a divorce between bank and state was desirable. The dominant party had in mind to strike the banks a blow, but further than that there was no fixed policy, and as a consequence it was split into factions of various sizes.

Probably the executives, Carlin and Ford, who held conflicting views, voiced the opinions of most members of the Democratic party. The former was bitter in his denunciation and took the opportunity in his parting message to the legislature to picture the banks in the darkest hues. "The most improvident use was made of their credit, discounts were unguardedly made, accommodations imprudently granted, and their issues extended, not only beyond all bounds of moderation and prudence, but greatly beyond their ability to redeem them."¹ Already in September, 1842, he had taken the opportunity to lessen the value of their notes by prohibiting their acceptance in the payment of taxes.²

Even the warmest friends of the banks could not deny that there was an element of truth in what Carlin had said. It was generally agreed that the banks had failed to perform the functions for which they had been established and that some corrective legislation was necessary. Despite the disfavor into which these institutions had fallen, they held the key to the situation, for it was in their power to contest arbitrary legislation in the courts, with the result that the

¹ *Senate Journal*, 1842-43, 20.

² *Ibid.*, 19; *Niles' National Register*, LXIII., 67, 165.

creditors of the state would lose confidence in the integrity of the legislature and refuse to subscribe for the new canal loan of \$1,600,000, which was about to be proposed. Thus the solution of the matter depended upon legislation acceptable to both the people and the banks.

Governor Carlin disregarded the consequences of unfavorable legislation. He believed that he saw the remedy and boldly recommended its application. Nothing suited him short of a law by which "their corporate existence should be speedily terminated."¹ This part of the message was distasteful to the incoming governor, who afterward charged that it was the product of the "ultraist" faction of the Democratic party, and claimed that Carlin had agreed in a conference a few days before it was delivered to omit it from the message.²

Ford believed that the banks had sinned less than they had been sinned against. In his message of December 8, 1842, he recommended that the legislature take some action regarding the banks and in a way that would be fair and equitable to all concerned. He was convinced that the state had erred in assuming the functions of a private enterprise, but feared the result of a harsh separation, especially if it were done arbitrarily and against the wishes of the private stockholders. Two very important considerations prompted him to advise conciliatory action on the part of the legislature. The people were without any sound and adequate medium of exchange. To throw the banks into litigation would tie up indefinitely the specie piled up in their vaults. On the other hand, an amicable settlement would put almost every dollar into circulation at once.³ Feeling keenly the neces-

¹ *Senate Journal*, 1842-43, 21.

² Ford, *History of Illinois*, 298.

³ The two banks held \$798,998.69 in specie, of which the State Bank had \$491,958.22 and the Bank of Illinois \$307,040.47 (*Illinois House Reports*, 1842-43, 43, 46).

sity of raising more money for the canal, the governor knew that such a thing could never be done if the legislature assumed the right to repudiate contracts entered into by the same body at a former session.¹

It was pointed out in the message that the bank stock was worth considerably more in the open market than the same amount of state indebtedness held by the banks. While he called the attention of the legislature to this fact, the governor doubted the advisability of throwing five million dollars in stocks and bonds on the market. It would be not only inexpedient but dishonest. A few years before, the state had been over-anxious to receive dividends along with the private stockholders, but now she refused to stand in the place of a copartner. This seeming breach of faith was enough without taking advantage of the superior credit of the bank to beat the private stockholders, by depressing still further the market value of their holdings.²

Fortunately the legislature heeded the advice of the new executive. One of its first acts was to appoint the governor, auditor, and fund commissioner as a committee "to enter into negotiations with the banks for the purpose of ascertaining on what terms an amicable dissolution between the State and the banks can be effected." This was done and the report was submitted to the consideration of the legislature two weeks after Ford's inauguration.³

The final result was a compromise. The act was drawn up by the governor. The banks were given ample time in which to close up their business. Outwardly the legislation

¹ This session did revoke the charter of the Cairo Bank. Those unfriendly to the completion of the canal pointed to this act as an example of legislative unfaithfulness. For a defense of this act see *post*, 58-62.

² *Senate Journal*, 1842-43, 36.

³ *Post*, 41-42.

appeared to be a form of permission, which should go out to the world as an example of the inviolability of legislative grants. The banks understood. They knew that within the glove was a hand of steel. Recognizing the temper of the members of the legislature and of the people, and worn out in the struggle to maintain their standing in the financial world, they acquiesced with the inward consciousness of being forced to liquidate.

The State Bank was given three days in which to sign an acceptance of the act, which in fact it had already informally agreed to, and two days more in which to transfer state indebtedness, to the amount of \$2,050,000, to the governor, and receive in return an equal amount of bank stock held by the state. To give the state a right to assist in closing up the affairs of the bank and to give the bank a constitutional existence until that time, stock to the amount of \$50,000 was retained, which amount was to be exchanged eventually for state indebtedness or coin. The bank was required to pay out its specie, with the exception of \$15,000 which was to be reserved for final expenses of settlement, to note-holders and depositors. The payment was to be *pro rata*. The residue was to be paid in certificates of indebtedness, which should draw specie in proportional amounts at stated periods until the assets of the bank were exhausted. To avoid delays and legal obstructions, the act provided that all executions against the specie of the bank should be void so long as the bank officers were faithful in carrying out the spirit of the law.¹

To satisfy the people and to prevent any irregularities on the part of the officers of the bank, the governor was authorized to appoint a bank commissioner, who should act as director on the part of the state. Thus the interests

¹ *Laws of Illinois*, 1842-43, 27.

of the state were guarded as carefully as legal limitations would allow.

The treatment accorded to the Bank of Illinois was similar, on the whole, to that received by the State Bank. There was a feeling, however, that the former was less a public institution than the latter. The members of the legislature at that time considered themselves under obligations to go no farther than to protect the state by an exchange of securities with the bank and the final annulment of its charter. On the other hand, there was a general feeling that the interests of the state and the State Bank had been so closely connected that the people demanded a strict oversight of its affairs until the very end of its existence.

The Bank of Illinois accepted the provisions of the act relating to its liquidation, within the prescribed thirty days. The state was satisfied with an immediate exchange of state bonds and scrip for bank stock to the amount of \$500,000, giving the bank twelve months in which to secure the remaining half-million with which to take up the same amount of bank stock still held by the state. Regarding the appointment of a commissioner and the paying out of specie, the two acts were similar. There was one significant difference between the acts. In closing up the affairs of the State Bank, the state was to keep an interest until the final liquidation. But the state commissioner appointed for the Bank of Illinois was to be withdrawn as soon as the bank had taken up all the stock held by the state.¹

Although both acts passed the two houses by overwhelming majorities, the occasion gave opportunity for some of the members to unburden their minds. After the State

¹ Two acts relating to the Bank of Illinois were passed the same day. One was very stringent in its operation and was to go into effect only in case the conditions of the second act were refused by the bank. The bank accepted the latter (*Laws of Illinois*, 1842-43, 27-35; *State Register*, March 24, 1843).

Bank bill had passed the lower house, Lyman Trumbull, secretary of state, and a personal enemy of John A. McClermand, chairman of the Finance Committee, is said to have made the threat that he would see that the bill was so altered in its passage through the Senate that "the framers in the House should not know their own bantling, when it came back to them."¹ Governor Ford considered this quite outside the sphere of the secretary's activities, and removed him from office.

Through the remainder of Ford's administration the bank question can hardly be said to have been a live issue despite the amount of subsequent legislation on the subject. There was sporadic agitation for a renewal of their charters, but without effect. Times were improving on the whole, and money was coming in from the outside to take the place of that formerly furnished by the defunct banks. The specie held by the two banks went into circulation without delay.

In anticipation of the legislation herein set forth, a clique purchased the Bank of Illinois, from which \$100,000 in specie was borrowed with which to purchase bonds yet due the state. Unfortunately for everybody the bonds purchased were a part of the lot hypothecated for a fraction of their face value to Macalister & Stebbins. Contrary to agreement they had been thrown on the market and the holders were clamoring for payment. The legislature had already refused to acknowledge that these bonds were a liability upon the state for an amount greater than that received from Macalister & Stebbins. Within the prescribed twelve months these bonds were presented to Governor Ford by James Dunlap. At first Ford refused to receive them, believing that they did not come under the class of state indebted-

¹ Gerhard, *Illinois as It Is*, 103.

ness allowable to be exchanged for the remaining half-million of bank stock still held by the state. But fearing that they would be taken to the East and there thrown upon the market much to the detriment of the state's credit, he finally agreed to take them, on condition that the next legislature should negatively ratify the act by refusing to declare it void.¹

After considerable maneuvering, the next legislature accepted these bonds at a considerable discount, together with a lot of scrip, leaving the balance to be paid in four years.² The charter of the Bank of Illinois was extended from time to time in order to allow its affairs to be legally carried on.³ The final liquidation took place years afterward, but its influence on the state after the year 1845 was so small that it may well be disregarded. Evidently the State Bank closed up its business without undue delay, for it was never afterward a subject of importance in the legislature. It is indeed an ill wind that blows no good. The state had learned a lesson in banking, a lesson which took form in the constitutions of 1848⁴ and 1870⁵ and is not yet forgotten.

IV. INTERNAL IMPROVEMENT SYSTEM AND STATE FINANCES

The Internal Improvement System had its inception in the great wave of canal building and road making that swept over the country in the thirties. The beginning in Illinois was in 1835, when the legislature authorized the

¹ *Post*, 106, 107, 121-22.

² *Laws of Illinois*, 1844-45, 246-49. The act stipulated that the governor should receive 333 bonds and \$15,000 in internal scrip. The accrued interest on the bonds was calculated at \$73,260. For this amount, \$421,000, the governor was to deliver up bank stock to the value of \$205,000. The discrepancy between this amount and that stated *post*, 107, arises on account of several bonds being presented later. The bank accepted this proposition March 19, 1845 (*Niles' National Register*, LXVIII., 96).

³ *Laws of Illinois*, 1846-47, 20-21.

⁴ Art. X., par. 3.

⁵ Art. XI., par. 5

governor to borrow a half-million dollars with which to begin the construction of the Illinois and Michigan Canal.¹

By the autumn of 1836, the people had decided to inaugurate an extensive system of internal improvements that would provide for almost every part of the state. Canals were to be constructed, railroads built, and rivers opened for navigation. Nothing seemed impossible. When the legislature met it was generally thought by the people that that body would take definite steps in the matter. During the year public meetings had been held in the principal towns with the result that the members of the legislature knew that there was a widespread desire for the improvements. The plans of the advocates of the system culminated in a monster meeting at Vandalia, the capital of the state, while the legislature was in session.

The matter finally took form in a bill, which became a law February 27, 1837.² The Council of Revision had returned it accompanied by their reasons for refusing to indorse it.³ The friends of the bill, however, were not to be beaten in such a manner, especially since the people

¹ Although the Illinois and Michigan Canal was an internal improvement, it does not belong to what is technically called the "Internal Improvement System."

² The bill provided for the following expenditures:

Improvement of the Great Wabash River	\$ 100,000
Improvement of the Illinois River	100,000
Improvement of the Rock River	100,000
Improvement of the Kaskaskia River	50,000
Improvement of the Little Wabash River	50,000
Improvement of the Great Western Mail Route . . .	250,000
Railroad, Cairo to Illinois and Michigan Canal	3,500,000
Railroad, Alton to Mt. Carmel; Alton to Shaw-	
necetown	1,600,000
Railroad, Quincy to Indiana state line	1,850,000
Railroad, Branch of Central to Terre Haute	650,000
Railroad, Peoria to Warsaw	700,000
Railroad, Lower Alton to Central Railroad	600,000
Railroad, Belleville to point near Mt. Carmel	150,000
Railroad, Bloomington to Mackinaw town	350,000
To the counties receiving no improvements	200,000

—*Laws of Illinois*, 1836-37, 121-53.

³ This council was *ex officio*, being composed of the governor and the judges of the Supreme Court (*Constitution of Illinois*, 1818, Art. III., par. 19).

were back of them, and responded to the veto by passing the measure a second time by the constitutional majority that would make it a law without the indorsement of the Council of Revision.¹ This measure had the character of an omnibus bill, and had been drawn up in a manner calculated to win support from members having at stake interests more important than internal improvements.²

Many of the enterprises were begun, but none of them finished. It had been the plan to begin work on any one particular road or river at several places. This plan was followed out with the result that when the labor ceased no one improvement was finished in any particular. A single line of railroad might be in all degrees of completeness, and in many places the work had not even been started. Thus the money that had been sunk in the system was lost beyond recovery.³

Within three years the craze had run its course, leaving the people, as a reminder of their folly, a debt that hung over them for decades. The impossibility of the scheme was not revealed until the time came when the bonds were unsalable. To prevent a loss of faith in the state's credit, interest was paid by hypothecating bonds in return for which the state received whatever the holders pleased to give, which in many cases was very little. In one way or another, interest was paid on the Internal Improvement Bonds until July 1, 1841, after which it ceased to be paid until July 1, 1846, when a partial payment was resumed, being made possible by the one and one-half mill tax imposed by the legislature in 1845.

When Governor Ford was inaugurated in 1842, the state

¹ A constitutional majority was a majority of those elected to each house.

² Moses, *Illinois Historical and Statistical*, I., 411-12.

³ *Senate Journal*, 1839-40, 12. That part of the Northern Cross road between Springfield and Meredosia was finally completed by the state and leased to private parties.

debt was \$15,000,000, more or less.¹ This amount did not by any means represent a corresponding expenditure by the state, for the bonds had been issued so lavishly and handled so carelessly that it would be difficult to say just what part of this amount had been paid over to the state in money.²

The time for inquiring into the causes of this overwhelming debt had passed. All admitted that the state had blundered in her financiering, and no one denied that conditions were deplorable.³ The most sanguine had acknowledged two years before that the Internal Improvement System was chimerical.⁴ Conditions demanded that the

¹ Summary of the state debt:

Canal debt.....	\$4,785,117.48
Bonds issued on account of Internal Improvement System.....	5,085,444.00
Scrip issued to contractors.....	929,305.53
Interest due on above January 1, 1843.....	541,327.46
Bonds issued for State House.....	121,000.00
Interest due.....	10,000.00
Due School, College, and Seminary fund.....	808,084.18
Interest due January 1, 1843.....	48,485.04
Total.....	\$12,328,976.69

—*House Reports*, 1842-43, 165.

This statement is made by the Finance Committee of the House. If the amount due the banks and the United States be added the total debt of the state January 1, 1843, was \$15,471,895.69. Carlin in his last message, *Senate Journal*, 1842-43, 7, gives the state debt as \$13,836,379.65, exclusive of the amount due the United States; in his inaugural address Governor Ford (*Senate Journal*, 1842-43, 22-23) gave the total debt as \$15,187,348.71. There are inconsistencies in the report of the committee quoted above. Moses (*Illinois Historical and Statistical*, I., 52-53) disagrees in several respects but fails to give his authority. The finances of the state had been so badly mismanaged that no one knew the exact conditions.

² As an illustration, the fund commissioner had parted with the following bonds without getting adequate returns:

To Wright & Co.....	\$1,250,000
To Poughkeepsie Locomotive Fire Engine Company.....	128,000
To John Delafield.....	433,000
To Bank of Commerce, Buffalo.....	90,000
To Commercial Bank, Buffalo.....	90,000
To Erie County Bank.....	67,500
To Macalister & Stebbins.....	542,440

—*House Journal*, 1840-41, 20-21.

³ *Senate Journal*, 1839-40, 11; *House Journal*, 1840-41, 22; *House Journal*, 1842-43, 16-17.

⁴ *Sangamo Journal*, April 1, 1842.

question of repudiation be faced without equivocation. Public men of the state had declared both officially and unofficially that the debt was binding on the people and ought to be provided for in some manner,¹ but this meant little to the holders of the indebtedness so long as the money was not forthcoming. The problem could be solved by the legislature and the executive and by them only.

In the campaign of 1841-42, each party had attempted to fasten the stigma of repudiation upon its opponents, at the same time declaring through its press the inviolability of the state's indebtedness. But such declarations meant little, for there was no agreement in the definition of terms. Except in a positive denial of payment, there could be no complete repudiation. In the Democratic convention of 1841 a resolution that would have put the party on record as opposing repudiation was laid upon the table by a large majority.² The Whigs had been spared the necessity of such an action because they had failed to hold a nominating convention. They naïvely declared that the debt was just and binding upon the people, but that it could not be paid because the state was without adequate resources.³

When the legislature met it was generally agreed that some definite action in the matter ought to be taken. Not a few of the members advocated giving up to the creditors of the state all the available assets and calling the matter square.⁴ Others wished to turn the canal over to the federal government, liquidate the banks, and make the best terms possible with the remaining creditors. On the other hand, a few, associated with whom was the governor, saw the possibility

¹ Reynolds, *My Own Times*, 509.

² Ford, *History of Illinois*, 292.

³ *Alton Telegraph*, February 19, 1842; December 19, 1844.

⁴ *House Journal*, 1842-43, 24.

of completing the canal by a further pledge of the credit of the state, and thus making it a vital force in lessening the indebtedness.¹

Governor Carlin's message, delivered December 7, 1842, probably reflects the popular feeling of the time.² It was anything but encouraging and had a tendency to neutralize that of his successor delivered the next day. After picturing the conditions in the darkest manner possible, he concluded by saying that the state possessed no means whereby the debt could be handled in a way satisfactory to the creditors.³

Notwithstanding the seemingly insurmountable obstacles that appeared to block the way, the new governor faced the task in his characteristic manner, by urging the General Assembly to take high ground in favor of paying every dollar of the state debt. In this way only could the people through their representatives express themselves in a definite manner. Although he understood that even the interest alone could not be paid at that time,⁴ yet he understood just as well that a frank expression of present inability to pay coupled with a manifest disposition to make sacrifices would allay distrust and doubt in the minds of the creditors both at home and abroad. With prophetic insight he recognized the latent possibilities of the state. To his mind the greatest calamity possible to the state was the stigma of repudiation.⁵

That part of the message relating to the state's obligations was received with considerable approbation by the press

¹ *House Journal*, 1842-43, 47.

² *Alton Telegraph*, February 18, 1843.

³ *House Journal*, 1842-43, 24.

⁴ *Ibid.*, 45-47.

⁵ There was a growing conviction in Europe that Illinois intended to repudiate (*London Times*, June 27, 1843). In a letter to the *Sangamo Journal*, Senator Ryan portrayed vividly the feeling that a citizen of Illinois had when he discussed the state in New York City and in Europe (*Sangamo Journal*, May 30, 1844).

of both parties. In the East and Europe it created a favorable impression upon the creditors¹ and almost immediately the price of state bonds began to rise in spite of the constant increase of the debt due to the accumulating interest.

Without asking the people for a dollar the legislature had the opportunity to reduce the debt several millions by an exchange of bank stock for state securities. This was done, and amidst sincere acclamation bonds and scrip received from the banks were burned in front of the state house.² The governor, who had in the meantime been made *ex-officio* fund commissioner,³ succeeded after long-drawn-out negotiations in having a great many unsold bonds returned to the state. The result of these measures was a considerable decrease in the state's liabilities before the meeting of the General Assembly in 1844. Though the canal legislation of 1842-43 failed to bring the results hoped for it had a healthy influence, for it showed that the representatives of the people had a sincere desire to use the assets of the state for the best interests of the creditors, and at the same time committed them to a definite financial policy. For the time being the canal expense was at a minimum, leaks were stopped here and there, and the prospect of creating conditions favorable to more generous legislation brightened.⁴

Ford's first legislature had disappointed him in that it made no provision for the rapidly accumulating interest.⁵

¹ In the East the message was commented on under the caption "Repudiation Repudiated" (*Niles' National Register*, LXIII., 325).

² *Post*, 54; *Alton Telegraph*, February 18, 1843; *Niles' National Register*, LXIV., 4. The bonds received from the banks were not strictly speaking an indebtedness, for the state held a like amount in bank stock, which at that time had a higher value in the open market than the bonds burned.

³ *Laws of Illinois*, 1842-43, 147-48.

⁴ *Niles' National Register*, LXIV., 224, 240.

⁵ Not only did the legislature fail to provide an interest tax but it repealed one already in force (*Laws of Illinois*, 1842-43, 228-29). This was a tax of one mill on each dollar of

He was sure that the failure had been due to the impression that a majority of the people opposed the payment of principal as well as interest. The time had now come when drastic measures were necessary and Ford decided to adopt them. His attitude on taxation was well known, for he had promised the bondholders that he would urge on the legislature the necessity of re-enacting a law providing for an interest tax. He knew well that many of the members would be in favor of such a measure provided it met the approbation of their constituents.

The governor had his plans well in mind, and awaited a favorable opportunity to put them into operation. He believed that he would receive the support of the people living along the canal, for the completion of this enterprise depended in part on favorable legislation.¹ In September, 1844, Ford was given the opportunity to express himself emphatically and without reservation. William S. Wait, of Bond County, a man to whom the people of the state owe a great debt of gratitude for his untiring efforts in the building of railroads, addressed a long letter to the governor through the public press, in which the latter was asked for his opinion on increased taxation.

The answer came without hesitation, clean cut and to the point.² Declarations of intention meant little, if used

property value and devoted to the payment of interest (*Laws of Illinois*, 1840-41, 165-66). This disappointment was the greater, for the legislature by a resolution had acknowledged the state's obligation to pay interest on the debt, which resolution was accepted outside the state as a definite policy (*Niles' National Register*, LXIII., 325).

¹ It was the sense of a public meeting held at Chicago in 1841, that the legislature ought to provide for the interest on the state debt by direct taxation (*Niles' National Register*, LIX., 375). In 1844, John Wentworth, of Chicago, sent to the governor a petition which asked that a tax be levied with which to pay interest on the public debt. The petition was signed by owners of property valued at \$1,000,000. The opponents of the canal charged that the property represented was former canal land and not taxable at that time. Only about half the land in Illinois was taxable in 1841 (*Niles' National Register*, LXVI., 340).

² Reply by Ford in *State Register*, November 8, 1844.

too often. The creditors demanded something more substantial than mere promises. The state had put the matter off too long already, and the time to act had come. Longer delay was impossible. The legislature must take steps to provide for the debt or declare for repudiation.

The governor's friends thought that his boldness had carried him beyond the point of discretion. It will never be known how much information he had beforehand concerning its reception. Whether the action be attributed to boldness or sagacity, the result was the same, for there was no popular uprising as some had feared. Even the opposition press acknowledged that there was no other honorable way open.¹

When the letter became public in Europe the result was magical. The friends of the state took new courage. David Leavitt, a New York banker, and Charles Oakley, agent of the state to receive subscriptions for the canal, made a hurried trip to Europe in the interest of the canal. The letter had preceded them, however, carrying reassurance to the creditors and clearing the way for successful negotiations.²

Great struggles were yet to come. When the legislature assembled, there was a general feeling that conditions might be bettered by introducing more economy in the administration of the state government.³ Accordingly a retrenchment committee was appointed to look after the leaks, no matter how small they were.⁴ This committee struck at the office of the executive first.⁵ The preceding legis-

¹ Many other schemes were proposed, but none of them embodied immediate taxation (*Sangamo Journal*, November 29, 1844).

Post, lxxiv., n. 2.

² *Alton Telegraph*, December, 14, 1844.

³ *House Journal*, 1844-45, 58; *Senate Journal*, 1844-45, 40.

⁴ *Alton Telegraph*, December 21, 1844. On pp. 387-88, in his *History of Illinois*, Ford claims that the committee, supported by his personal enemies, gave out for publica-

lature had allowed the governor eight thousand dollars, with which he was ordered to pay any contingent expense overlooked by the lawmakers.¹ Zealous to serve their constituents, both houses indorsed a resolution that called upon the governor and justices of the Supreme Court to refund one-fourth of their salaries to the state treasury.² On almost the same day, the House tabled indefinitely a resolution that would have brought a corresponding decrease in the salaries of its members.³

In answer to this resolution, the governor pointed out the injustice of such a request in view of the fact that his salary was usually paid in depreciated auditor's warrants.⁴ True to traditions, the judges became indignant and threatened to resign.⁵

Many of the legislators firmly believed that any form of taxation for the purpose of paying interest was undesirable. The Whig press kept repeating the statement that there was not enough good money in the hands of the people to pay the taxes for one year.⁶ Governor Whitcomb of Indiana had declared a little before this time that the western states could never pay their debts. The opposition made capital out of such statements with the result that not a few friends of the measure began to doubt. The trouble was that the possibility of paying interest and the possibility of paying principal were confused. Statements to the effect that the state could never pay its great debt were used as argument

tion wonderful accounts derogatory to his official actions. In examining the files of the two leading opposition papers, the *Sangamo Journal* and the *Alton Telegraph*, I have been unable to find charges as incriminating as he seemed to think.

¹ *Laws of Illinois*, 1842-43, 11-12.

² *Senate Journal*, 1844-45, 52; *House Journal*, 1844-45, 83. Resolution originated in the Senate.

³ *Alton Telegraph*, December 21, 1844; *House Journal*, 1844-45, 26-27.

⁴ *Senate Reports*, 1844-45, 173-74.

⁵ *Ibid.*, 193-200; *Alton Telegraph*, February 15, 1845.

⁶ *Sangamo Journal*, December 5, 1844.

against paying interest. The two were used interchangeably in such a fashion by the opponents of the measure that the ordinary observer found it difficult to differentiate between them.¹

Another factor that must not be neglected was the menacing attitude of the Whig press, which portrayed in a lively fashion the hardships that must necessarily follow the collection of an interest tax. Although the press had generally indorsed Ford's letter to Wait, it believed more in the sentiments therein expressed than in their practical application. It was pointed out to the Democrats that their large majority made them responsible for legislation on the subject, and that upon them alone would fall the ill-will of the people. Members from the southern counties that were inclined to favor the proposition were reminded that they were there to represent the people of their districts, rather than to express personal opinions.²

To bring the whole matter still further into disrepute, the friends of taxation were accused of a too friendly feeling toward the foreign bondholders. It was expected that there would be a defection from their ranks when they were stigmatized with the word "British," a bludgeon still in use on certain occasions. The old trick of playing the southern counties against the tax legislation was used successfully for a time. It was truthfully pointed out that the completion of the canal depended upon the action of the legislature regarding the interest; the most effectual way to hit the canal proposition was to vote against any kind of an interest tax.³

¹ Clearly seen by a speech made on the floor of the House by Mr. Hanson, of Coles County, and published in the *Sangamo Journal*, March 6, 1845.

² *Sangamo Journal*, December 5, 1844.

³ The members of the Senate from the southern part of the state voted consistently against both measures. Of the twenty-two senators voting against the bill in its original form, none were from northern Illinois and but three from the central part of the state (*Senate Journal*, 1844-45, 381).

According to the program of the canal-interest party, a bill favorable to these measures was introduced in the House. After considerable debate the bill passed by a substantial majority. In the Senate, however, it met a different fate, being defeated by a bare majority. The friends of the bill were not discouraged. Its defeat was due to the fact that the union of both measures compelled its rejection by senators favorable to one and hostile to the other. To eliminate this objection, the bill was divided after being sent to a select committee. Finally both parts passed and became law.¹ The part relating to the canal is discussed under that head. The interest act provided for a permanent interest tax of one mill on each dollar of property value for the year 1845, and one and one-half mills thereafter. While this was entirely insufficient to pay the interest, it was a good beginning, which in a way had its completion in the constitution of 1848.²

The effects of such legislation were good both within and without the state. During the following summer, conventions were held at Fairfield and Marion, in which both acts were approved. In the money market state bonds were able to hold their own, despite the gradual increase of the

¹When the bill came up for the third reading in the Senate, February 25, 1845, Mr. Edwards, of Sangamon County, offered an amendment, which would have completely altered the bill. It was moved and carried that the amendment be laid on the table until July 4, 1845. Now began a parliamentary battle of no small magnitude. Amendment after amendment was offered, but all were disposed of in the same way. Finally the original bill was voted upon and rejected. Immediately Mr. Constable, of Wayne County, who had voted in the negative, moved a reconsideration. The motion was carried and the bill referred to a select committee composed of McMurtry, Worthington, Judd, Ryan, and Dunlap. The bill was reported back to the Senate and rejected. Again the vote was reconsidered and the bill given to another select committee composed of Killpatrick, Judd, and Harrison. It was again reported back to the Senate, amended and passed February 27, 1845, by a vote of 21 to 20 (*Senate Journal*, 1844-45, 362, 377-81, 387, 396, 399-400).

²In 1845 the property valuation was \$82,327,105; the one mill tax amounting to \$82,327.07.

In 1846 the property valuation was \$88,815,403; the one and one-half mill tax amounting to \$133,223.10 (*Biennial Report of State Auditor*, December 1, 1850). The constitution of 1848 provided for a permanent two mill tax, applicable to all state indebtedness except canal and school bonds.

indebtedness, coupled with the decrease in assets caused by turning the canal and its property over to a select few of the creditors.¹ All over the East the newspapers commented most favorably on the action of the legislature in its stand against repudiation.²

The people had spoken. They recognized their mistake in undertaking such gigantic enterprises as the Internal Improvement System. With all its undesirabilities, however, had come a valuable lesson which was not soon forgotten, and which stands out prominently in the constitutions of 1848³ and 1870.⁴

V. ILLINOIS AND MICHIGAN CANAL

It is impossible to say who first suggested the cutting of a canal through which the waters of Lake Michigan and the Mississippi River might flow. The earliest French explorers and traders knew of and used extensively the short portage separating the two basins. Even before the Territory of Illinois had been organized, the scheme was discussed in Congress, though without immediate results.⁵ The War of 1812 showed the desirability of such a waterway, and the extinguishment of the Indian title along the proposed route in 1816 removed all legal impediments. March 30, 1822,

¹ The following quotations show bond prices varying from 37 to 38, from May to June 1845.

October 17, 1844, 42 (*Sangamo Journal*, October 31, 1844).

October 31, 1844, 43 (*ibid.*, March 27, 1845).

May 24, 1845, 38 (*ibid.*, June 5, 1845).

June 2, 1845, 37 (*Alton Telegraph*, June 14, 1845).

June 12, 1845, 38 (*Sangamo Journal*, June 26, 1845).

July 23, 1845, 37½ (*ibid.*, August 14, 1845).

² The *New York Journal of Commerce* commended Governor Ford for his firm stand against repudiation (*State Register*, January 17, 1845). In commenting on the governors' messages of 1844-45, the *Albany Argus* commends very highly that of Governor Ford (*State Register*, February 14, 1845).

³ Art. III., par. 37.

⁴ Art. XI., sec. 5; separate section, No. 2.

⁵ *Annals of Congress*, 11th Cong., 2d sess., II., 1388-93; *Niles' National Register*, VI., 159.

Congress, in response to a request of the Illinois legislature,¹ authorized the state to construct such a canal through the public lands and granted a strip of land ninety feet wide on each side of its bed.

At its next session the legislature appointed a board of canal commissioners to estimate the cost of building a canal along the proposed route. After considering the matter in all its aspects, the board came to the conclusion that the work could be done for less than three-quarters of a million dollars. After unsuccessful attempts to get additional land from the federal government, the legislature decided that the state was not in a position to prosecute the work and accordingly incorporated on January 17, 1825, a private concern to take over the work. This was known as the Illinois and Michigan Canal Association and was capitalized for \$1,000,000.² This was opposed by our delegation in Congress, which had worked early and late for a federal appropriation for the enterprise. There was no cause for worry, however, for there was no subscription of stock and a little later the charter was repealed.

On March 3, 1827, Congress granted to the state alternate sections of land for a distance of five miles on each side of the proposed canal. Thus the state secured a nucleus around which it could build more easily in the future.

On January 12, 1829, the legislature organized a new canal board and authorized it to make a new survey of the route, sell whatever land could be disposed of, and begin the work whenever conditions would justify.³ In 1831, on January 15, an amendatory act was passed: Chicago and Ottawa were to be laid out; a new estimate involving over

¹ *Senate Journal*, 1820-21, 103, 106.

² *Laws of Illinois*, 1825, 160-65.

³ *Ibid.*, 1829, 14-18.

four million dollars was accepted; one acting commissioner with two others to assist were provided for.¹ On March 1, 1833, the board of canal commissioners was abolished and the whole matter was dropped for the time being.²

By this time the railroad had shown its superiority over the canal, in some respects at least. On account of this fact there gradually arose a party in the state that wished to build such a highway rather than a canal. No great change of route was contemplated, the adherents of the plan proposing to make Chicago and Peru the terminals. This agitation culminated in an act of Congress of March 2, 1833, by which the state was authorized to use the lands, already granted for a canal, for the purpose of building a railroad.

But agitation for a canal did not cease. For its construction the Ninth General Assembly authorized the governor to negotiate a loan for a sum not to exceed \$500,000, giving as a pledge the canal lands and tolls, and any other means the federal government might grant thereafter for its construction. The act itself implied lack of confidence on the part of the state; and as a consequence, capitalists refused to subscribe for the bonds, which of course caused the whole matter to fall through.³

Finally, the members of the legislature came to the conclusion that the state must show her confidence in the enterprise by pledging her own credit. On January 9, 1836, the act of the previous year was repealed, and the governor was authorized to borrow a half-million dollars on the credit of the state. At the same time an acting commissioner on salary was provided for, to be assisted by two others on

¹ *Laws of Illinois*, 1831, 39-44.

² *Revised Statutes of Illinois*, 1833, 112-14.

³ *Laws of Illinois*, 1835, 222; Putnam, *Journal of Political Economy*, XVII., 274-75.



per diem salary, their duties being similar to those of the first whenever their services were required.¹

With less than 7 per cent of the estimated cost of the canal in sight, the state plunged into the undertaking.² Amid great rejoicing ground was broken July 4, 1836. Especially at Chicago was the occasion one of gladness, and with good reason, for the completion of this enterprise was a vital force in the unprecedented growth of that city during the next quarter of the century.

With the canal once begun there was no turning back. On March 2, 1837, the legislature authorized the governor to borrow a half-million more for the canal.³ From loans and land sales enough money came into the hands of the commissioners to keep the work moving. By January 1, 1839, \$1,400,000, had been expended upon the enterprise⁴ and before the year was ten months older another million had been added to the amount already expended.⁵ By comparing the work already done with what yet remained uncompleted, the legislature of 1838-39 saw that borrowing money in half-million lots was quite inadequate to the demands. Consequently the governor was authorized to borrow four million dollars for the canal on the state's credit.⁶ In order to negotiate a loan of such magnitude, Governor Carlin appointed United States Senator Richard M. Young and ex-Governor John Reynolds as special agents of the state. These gentlemen visited the eastern cities and Europe,⁷ and succeeded in placing a considerable amount

¹ *Laws of Illinois*, 1836, 145-54.

² *The Seventh Annual Report of the Board of Canal Commissioners, House Reports*, 1842-43, 73; Davidson and Stuvé, *History of Illinois*, 1673-1884, 478.

³ *Laws of Illinois*, 1836-37, 43.

⁴ *Senate Journal*, 1838-39, 10.

⁵ *Ibid.*, 1839-40, 13.

⁶ Act of February 23, 1839.

⁷ *Post*, 5-11, 13-14, 16-24; Governor Reynolds describes this trip in his book, *My Own Times*.

of bonds in the hands of capitalists and bankers, who promised invariably to make periodic advances upon them. In some cases bond brokers became selling agents of the state, agreeing to make advances conditional on the sale of bonds. In this way considerable money was raised, but not enough to meet the demands of the canal.¹

As a last resort many of the canal contractors made a proposition to take canal scrip and bonds from the state in lieu of money, preferring to do this rather than suffer on account of a cessation of labor on the canal. Much to the surprise and satisfaction of the contractors, William F. Thornton succeeded in disposing of bonds to the value of one million dollars at 85.²

Thus matters dragged on from bad to worse. Many of the late purchasers of bonds failed to make payments as agreed upon, and the credit of the state declined still farther. Finally work was abandoned all along the line, with an exception here and there, and no one seemed to know exactly what to do next. There was a general agreement, however, that the work could not be completed on the lines already followed.

At this juncture the old "shallow cut" idea was revived and discussed.³ A waterway less pretentious than the one upon which the people had set their hearts was better than none at all.⁴ The pressing financial needs of the state demanded that the canal should be finished in order that it might bear part of the state's enormous burden.⁵ The only valid objection to the "shallow cut" plan was, that a

¹ Putnam, *Journal of Political Economy*, XVII., 283-85.

² *Post*, 8, 13-20.

³ For a discussion of the plan and its revival, see Ford, *History of Illinois*, 294-97.

⁴ Chief Engineer William Gooding estimated that the cost of completing the canal along the lines already begun would be over \$3,000,000 (*Seventh Annual Report of the Board of Canal Commissioners, House Reports*, 1842-43, 66).

⁵ *House Journal*, 1842-43, 30

change in plans would give the contractors an opportunity to claim damages for breach of contract on the part of the state. This objection is significant when one considers the laxity in assessing claims at the time.¹

When the legislature met in December, 1842, there was a lack of unanimity among the members in all matters relating to the finances of the state. This was particularly true in the ranks of the dominant party. A great many of them felt that all legislation on the canal would be of their making, and consequently they hesitated to take sides on a question that had not yet been definitely decided by the people. It was the general opinion that the members from the southern part of the state would oppose any canal legislation calling for increased taxation or for a further pledge of the state's credit. For a while it looked as if these members combined with the Whigs, would be able to block any legislation favorable to the canal. At this juncture a strong hand was needed. Governor Ford's acquaintance in the southern counties stood him in good stead. He was convinced that the popular opposition was exaggerated by the Whigs and other enemies of the canal project. His late campaign in that section led him to believe that the opposition to the canal was less formidable than was generally thought by a majority of the Democrats. The Whig press left no stone unturned to divide the state on the question but their efforts were, on the whole, unsuccessful. On February 21, 1843, the governor was authorized to negotiate

¹ Mr. Gooding estimated that it would require \$230,000 to pay contractors for their claims on the state. In discussing such claims, the *Seventh Annual Report of the Board of Canal Commissioners* says: "The History of the public improvements of the State furnish mournful evidence of the fact that when individuals claimed damages they were almost certain to obtain as much as their conscience would allow them to ask." To assess damages, Governor Ford appointed William M. Jackson, of McHenry, James Mitchell, of Winnebago, and Gholson Kercheval, of Sangamon (*post*, 78, 90). By October 22, 1849, \$370,000 had been allowed for all kinds of damages, besides claims aggregating \$970,000 still under advisement and examination (*House Journal*, 2d sess., 1849).

a loan for \$1,600,000, the amount considered necessary to complete the canal on the "shallow cut" plan. The measure was a compromise, which was probably necessary to secure its passage through the tortuous course through which bills sometimes go. The money was to be secured by the canal, canal lands, tolls, and revenues only. On the other hand, the advantages of the proposition lay in the requirement that the new debt should take precedence over all others already contracted for the construction of the canal.¹

In disposing of the bonds the holders of canal indebtedness were to be given the preference. If they failed to take advantage of the new loan, holders of other forms of state indebtedness might step into their place. Should both of these classes decline to subscribe, the opportunity would be thrown open to the general public.

Acting under the authority of this act, Governor Ford appointed Colonel Charles Oakley and State Senator Michael Ryan as "agents to receive subscriptions for completing the Illinois and Michigan Canal."² On account of the depleted condition of the state treasury, the governor was compelled to take \$3,000 from the school fund for the agents' expenses.³

The agents hastened to New York to open negotiations with the American creditors. Evil reports concerning certain acts of the legislature had preceded them. Enemies of the canal had written articles for the eastern newspapers,

¹ *Laws of Illinois*, 1842-43, 54. Even those creditors who considered the state's credit of little value felt that the new arrangement would not only provide adequate security for the new loan but enhance the value of the old canal bonds (*London Times*, June 27, 1843; *Niles' National Register*, LXIV., 408).

² *Post*, 58, ff. Mr. Ryan was a civil engineer of considerable ability and probably knew better the conditions of the canal than any other public man of his time. Mr. Oakley was selected on account of his ability to meet the class of men that constituted the creditors of the state. Of course there was a political significance in the selection.

³ *House Journal*, 1844-45, 13. The using of the school fund in this manner was the basis of an attack upon the governor by Lyman Trumbull and his friends.

in which the repealing of the charters of the Cairo Bank and the Bank of Illinois was held up as an example of legislative dishonesty. To the financiers in the East, who did not know the real facts, this appeared to be a very serious matter. Governor Ford and the agents succeeded, however, in proving the calumnious charge unfounded, much to the discomfiture of the enemies of the canal.¹

In New York the agents were received by the American creditors with a show of friendliness toward the proposition for completing the canal. They seemed to be willing to subscribe for their share of the bonds. David Leavitt, of New York, used his great influence in financial circles in behalf of the state and in other ways as well showed himself to be a warm friend of the canal.² By his influence the American creditors were called together and persuaded to say definitely that they would support the undertaking.

Encouraged by this apparent success in America, Messrs. Oakley and Ryan hastened to Europe to consult with the principal bondholders or their attorneys.³ Here the reception was less cordial than it had been in New York. The foreign creditors did not deny that the security offered by the act of the legislature was sufficient to secure the new loan; they were more concerned about the sums already advanced, and the long-deferred interest upon them. They were inclined to be inconsiderate, for the repeal of the interest tax, instead of an increase as the creditors had desired,

¹ In his *History of Illinois*, 371, Ford takes no credit to himself for answering in a conclusive fashion the misrepresentation contained in the letters written by the enemies of the canal. The agents would have found this task impossible without having the records at hand. For Ford's argument see *post*, 58-62.

² Mr. Leavitt was president of the American Exchange Bank of New York City, and had \$250,000 invested in Illinois bonds. He afterward became interest-paying agent of the state (*post*, 135).

³ The principal European houses carrying these bonds were Baring Brothers & Co., Magniac, Jardine & Co., of London, and Hope & Co., of Amsterdam (*post*, 81, 136).

seemed to them a breach of faith on the part of the people and their representatives.¹

Finally arrangements were made for a committee composed of Abbott Lawrence, Thomas Ward, and William Sturges, all of Boston, to appoint two competent men, who should personally examine the canal and its property, estimate its value and debts, and make a complete report of their finding. The two men selected were ex-Governor John Davis, of Massachusetts, and William H. Swift, captain in the engineering corps of the United States Army.² During the winter of 1843-44, Messrs. Davis and Swift made a thorough examination of the canal and its property. Their report of March 1, 1844, confirmed in the main the claims made by Governor Ford through the state's agents, Oakley and Ryan.³

The European creditors had expressed a desire that the American creditors should subscribe \$400,000, more as earnest money than anything else. This was not done, and when the agents returned to Europe without having accomplished what the foreign bondholders now said was essential before they would act, they found their former negotiations at an end. And not without reason, for the holders of the indebtedness abroad considered that the failure of the American subscription indicated lack of confidence on the part of those who ought to know conditions on account of their proximity to the work. Desiring fuller information than the written report had given, the large creditors in Europe invited Governor Davis to cross the Atlantic and give to them a verbal account of the conditions as he had seen them. Mr. Davis accepted the invitation, with the result that the

¹ *Senate Journal*, 1842-43, 89-96; *ante*, lvi., n. 5.

² *House Journal*, 1844-45, 13.

³ The Davis and Swift Report may be found in *House Reports*, 1844-45, 314 ff.

foreign creditors agreed to take the allotment of the new bonds coming to them on the basis of their holding at that time.¹

In all these negotiations the creditors both at home and abroad insisted that the legislature should re-enact an interest tax. It was impossible for the agents to make any definite promises as to the action of the state's lawmakers. They were prepared to say, however, that the governor would urge in his next message the necessity of providing for the interest on the public debt.

In the meanwhile negotiations awaited the action of the legislature. During this time an event occurred that was ludicrous enough in itself, but which threatened to cause the almost perfected canal arrangement to come to nothing. At the time when Governor Davis was selected to aid Captain Swift in the examination of the canal property, he was looked upon in many sections as the logical candidate for vice-president on the Whig ticket. A Democratic organ at Washington, D.C., charged that the selection was made for the purpose of coercing the vote of Illinois. Senator Ryan made a vigorous reply, which stamped the whole charge as a falsehood told for political purposes only. During the summer and fall of 1844, Mr. Ryan changed position and flatly contradicted his former statements asserting the fairness of Davis' selection.² Through the medium of the *State Register* papers outside the state took up the controversy,³ which fortunately for all concerned, soon died out, though not before Senator Ryan had become somewhat

¹ *Niles' National Register*, LXI., 428. It was estimated that the canal debt, upon the basis of which the new loan would be made was \$5,000,000. Any holder of old canal bonds could become a subscriber of the new loan to the amount of 32 per cent of his holding.

² *State Register*, October 18, 1844; December 20, 1844.

³ It is very probable that more persons than Mr. Ryan were concerned in this attack on Governor Davis, for the old charges were brought to light simultaneously in the United States and London (*London Times*, October 17, 1844).

discredited in the eyes of his colleagues from the northern counties.¹ The whole affair put Governor Ford in a trying position on account of the attempts of the Democratic organ to make capital out of a matter in which there was not probably a grain of truth.

True to his promise, Governor Ford urged upon the legislature the advisability of passing a law that would provide for the future payment of interest.² The lawmakers heeded this advice, which was embodied in an enactment that passed both houses only after an almost successful opposition on the part of the enemies of taxation and the canal.

There had been so many conflicting estimates as to the cost of the canal that the members of the legislature, naturally enough, had about come to the conclusion that these estimates were mere guesses and ought not to be relied upon.³ Finally a supplementary canal bill was passed, pro-

¹ Whatever Senator Ryan may have said and done in this connection, he must be given credit for having sound views on the obligations of the state. Having experienced the humiliation incident to his labors as state agent, he spoke to his colleagues in the legislature thus: "A fearful weight of responsibility is now resting upon the legislature and public functionaries. By a due exercise of wisdom, fortitude, and deliberation, they can for the present greatly palliate and in time wholly eradicate the evils. The day of temporary expedients has passed. The hour of trial is at hand. We must now choose between honor and infamy. The question is now repudiation or the payment of our just and honest debts. It is idle to deceive ourselves by longer procrastination. The rapid accumulation of unpaid interest warns us that further delay will be fatal. Now or never, the effort must be made to rescue the state from irretrievable ruin and indelible disgrace."—*Niles' National Register*, LXVII., 291.

² *House Journal*, 1844-45, 18-19.

³ One of the principal arguments against the completion of the Illinois and Michigan Canal was the cost of canals in other parts of the world. In 1845, a Whig member of the legislature wrote a letter in which he mentions certain canals and their costs as they had been discussed by the members of the legislature.

Languedoc.....	\$15,000, per mile
Holstein.....	30,000, per mile
Clyde to Forth.....	23,000, per mile
English canals.....	28,000, per mile
Middlesex (Massachusetts).....	19,000, per mile
Ohio canals.....	20,000, per mile
Illinois and Michigan Canal:	
Already expended.....	60,000, per mile
For completion.....	20,000, per mile

—*Alton Telegraph*, February 8, 1845.

viding that the governor should execute and deliver all the canal property to three trustees, as provided in the act of February 21, 1843, two to be selected by the subscribers of the new loan of \$1,600,000 and the third by the governor. This was in all respects a first mortgage and took precedence over all other claims against the canal.¹ The subscribers to the new loan were to have preference in the payment of principal and interest. The greatest inducement, the one that probably brought about the final consummation of the negotiations, was that the subscribers could register their old bonds when they made their new subscriptions, and as a consequence the interest charges on these old bonds would be taken care of out of the receipts of the canal as soon as the new loan and its interest had been provided for.*

Into the passage of the act of March 1, 1845, certain personal influences entered which must not be neglected if we would rightly interpret the history of the times. Among the Whigs were a few men that regarded the interests of the state as far above those of any particular party or clique and, to the disappointment of their political friends, they stood steadfastly for any legislation that promised to raise the state from the slough into which she had fallen. Conscious of the right, they followed at any cost what they considered the only honorable course open to them by voting with their ancient enemies both for a canal and for a permanent interest tax.³

Among the supporters of the canal project was Colonel Charles Oakley, who had been appointed in 1843 to help negotiate the new loan of \$1,600,000. Having a considerable following in both political parties, his influence in the

* Governor Ford gives at length the difference between a prior private and a prior public claim (*post*, 107-19).

* Act of March 1, 1845.

³ Davidson and Stuvé, *History of Illinois*, 1673-1884, 471.

legislature, though unofficial, was a vital factor in the passage of these two bills.¹ In February, 1845, Colonel Oakley, accompanied by David Leavitt, of New York, and ex-Governor Davis, of Massachusetts, visited Springfield.² The legislature was in session at the time, engrossed in discussing the conditions of the state. At first Mr. Leavitt and Governor Davis were looked upon with distrust, for the opponents of the canal circulated the rumor that these men had come as representatives of the creditors with the declared purpose of dictating to the legislature.³ But they did nothing of the kind. Their mission was to communicate the creditors' proposition to the legislature, and this they did through the governor.⁴ Much to the disappointment of the anti-canal party, Messrs. Davis and Leavitt, by their prudent behavior and frank expressions, made friends even among the opponents of increased taxation and a completed canal.⁵ Just how far this influence affected the passage of satisfactory legislation has not been and cannot be recorded.

Governor Ford's influence was no small factor during this session of the General Assembly. Although many of his own party had occasion to differ from him on questions of policy, few doubted his good intentions, and all must have conceded that his grasp of administrative affairs was remarkable. He was the one man in the state to whom outsiders

¹ *Sangamo Journal*, February 20, 1845.

² Mr. Leavitt had accompanied Colonel Oakley to Europe in the winter of 1844, and had rendered valuable services in inducing the foreign bondholders to agree to subscribe for their proportional share of the new bonds. Afterward he presented a bill for this service, amounting to \$40,000. This bill was paid during the administration of Governor Bissell, but not without subsequent protest by the legislature. After both Governor Bissell and Mr. Leavitt had been threatened with a suit at law, the matter was compromised and Mr. Leavitt allowed \$10,000. Thereupon he repaid to the state \$32,063.90. For a more detailed account, see Davidson and Stuvé, *History of Illinois*, 1673-1884, 486, n.

³ *Alton Telegraph*, February 22, 1845.

⁴ Governor Ford delivered the proposition to the legislature in a special message found in *House Reports*, 1844-45; *Niles' National Register*, LXVIII., 11.

⁵ Ford, *History of Illinois*, 390-92

looked for strict justice in financial matters. He had given them reason to expect much. His reputation as a leader was at stake and he realized it. Should the legislature adjourn without making some provision for the rapidly accruing interest, he as well as the state would be discredited both at home and abroad.

In the spring of 1845 Governor Ford authorized the subscribers of the new loan to elect two trustees as allowed to them by the act of February 21, 1843. David Leavitt, of New York, and Captain William H. Swift, of the regular army, were chosen at a meeting held in New York, May 27, 1845.¹ This selection was satisfactory to the people of the state, for both men had shown an interest in the canal and their honesty and integrity were unquestioned.

The selection of a state trustee was a more difficult task. The salary was a princely one for a public officer of Illinois, being a thousand dollars a year more than that received by the highest paid state officer.² It was manifestly impossible for the governor to avoid criticism in making a selection. Colonel Oakley had worked early and late for the interests of the state, and as a consequence his friends felt that the place belonged to him by all odds. Ford thought otherwise and selected Jacob Fry, who was quite familiar with the canal and its needs, having been commissioner from 1837 to 1843.³

With the legal formalities cleared away, nothing remained except to secure the promised money and begin the work. In

¹ *Report of Canal Commissioners*, December 1, 1845; *State Register*, February 6, 1846.

² For salaries paid state officers, see *post*, 175, n. 1.

³ The report went the rounds of the Whig press that the bondholders had asked the governor to appoint Colonel Oakley, and that his refusal was caused by the opinion that Oakley was too friendly to the stock dealers in Wall Street (*Sangamo Journal*, July 31, 1845; *Alton Telegraph*, June 14, 1845). It was even rumored in the East that Colonel Oakley had been appointed (*Niles' National Register*, LXVIII., 180).

June, 1845, the loan was completed,¹ and work began the following September. Former contractors were given preference on their old sections, but the contracts were based on new estimates made by the chief engineer.² On account of the cheapness of all kinds of supplies, the trustees found it comparatively easy to let the contracts within the estimated cost.³

On account of innumerable delays incident to getting the machinery in working order and to removing obstacles that must out of necessity have followed the abandonment of such an enterprise three years before, little work was done during the winter of 1845-46. While little headway was made in the actual construction of the canal, the salaries of the large corps of officials and engineers went on, a fact which finally created considerable dissatisfaction among the people, for the salaries paid the trustees and chief engineer were enormous, measured by the ideas of the people of Illinois in 1846.⁴ To make the matter more exasperating, there was no legal redress.

All matters concerning the canal were decided by a majority vote of the trustees. The two foreign trustees often found it impossible to attend to canal affairs in person and as a consequence delegated their powers to others. In this way the state's interests suffered at times, despite the good intentions of the foreign trustees and the honest efforts of the state trustee.⁵ The governor and legislature protested against this delegation of authority to others, but without effect. The bondholders manifested a desire to deal

¹ Citizens of Illinois held old canal bonds to the value of \$410,000, upon which they subscribed the required 32 per cent (*Niles' National Register*, LXVIII., 100).

² *Laws of Illinois*, 1842-43, 54.

³ *Report of the Canal Trustees*, 1847, 26.

⁴ The foreign trustees received each \$5,000 per year; the state trustee, \$2,500. Both Ford and French made protests against this discrimination but without effect (Governor French's letter to E. Riggs, May 24, 1847, found in *State Register*, June 17, 1847); see also *post*, 137-39.

⁵ *Post*, 138, 152, 153.

squarely with the state by paying their subscriptions to the new loan within the stipulated time, but they refused absolutely to consider a reduction in the salary of the trustees.

During the years 1846-48, the work advanced rapidly in spite of the fact that obstacles of all kinds were encountered. The weather was anything but ideal for canal building and an epidemic swept over the ranks of the laborers.¹ The act of February 21, 1843, had provided that the canal should be finished within three years after the trustees took it over. The feat was accomplished before the expiration of that time. On April 10,² 1848, the *General Fry* made the journey from Lockport to Chicago, and thirteen days later the *General Thornton*, by passing through the entire length of the canal, heralded to the world the completion of an undertaking that had caused the people of Illinois no end of trouble and embarrassment.³

Although the canal tolls have always been smaller than they were estimated in 1843 and 1845, they exceeded the gross expense of operation until 1879, since which there has been an annual deficit, paid out of the revenues derived from the leases of water power and canal lots, and the sale of clays and stone.⁴ Other things besides receipts and expenditures must be considered however, if the economic value of the canal is to be rightly judged, for it has been not only a powerful factor in developing northern Illinois but a restraint on undue increase in railroad rates.

¹ *House Reports*, 1849 (1st sess.), 165, 169.

² *Moses, Illinois Historical and Statistical*, I., 464; *House Reports*, 1849 (1st sess.), 373; *Alton Telegraph*, April 21, 1848, gives the date of the passage as April 15.

³ *Moses, loc. cit.*; Davidson and Stuvé, *History of Illinois*, 1673-1884, 485-88; Putnam, *Journal of Political Economy*, XVII., 418.

⁴ Between the opening of the canal in 1848, and October, 1870, the canal receipts from tolls were \$4,360,419; expenses, \$1,828,790 (*Report of Canal Commissioners*, December 1, 1870; *Reports to the General Assembly*, 1871, IV., 477). From 1848 to 1908, the canal carried 71,002,591 tons of freight; received \$6,610,067 in tolls; expended for maintenance, repairs, and operation \$4,995,316 (*Journal of Political Economy*, XVII., 433).

VI. THE MORMONS IN ILLINOIS¹

The rise and early growth of Mormonism illustrated the religious fervor that was so prevalent in this country during the first half of the nineteenth century, and which made possible the well-known phenomenon called by the present generation the "old-fashioned revival." The founder and prophet of Mormonism, Joseph Smith, Jr.,² was born at Sharon, Windsor County, Vermont, December 23, 1805. Ten years later the family moved to a farm near Palmyra, N.Y. The life of the prophet for the next decade and more has furnished material for a flood of literature, which has failed to a great extent in establishing the truth or falsity of the story as told by Smith and his followers.³

On April 6, 1830, the church was organized at Manchester, N.Y. Between this time and 1839-40, when they came to Illinois, the Mormons made their home in Ohio and Missouri. In the latter state they met considerable opposition, which in the end resulted in internecine warfare. After the leading men had been incarcerated in a county jail, the church as an organization decided that the only hope for a continued existence along lines already laid down was in emigrating to another state. Accordingly, a movement set in toward Illinois, in 1839, which resulted in the entire body crossing the river. A little later the prisoners broke jail and joined their brethren.⁴

The people of Illinois received the fugitives with open

¹ William Alexander Linn's *Story of the Mormons* is without doubt the most authentic history of that people in print. Mr. Linn spent several years going over the Mormon collection in the Lenox Library, New York City, and thus speaks with authority. Most of the references in this study to that work have been verified from the records and are given merely for the convenience of the reader who may desire a fuller account.

² The prophet was legally known as Joseph Smith, Jr., and not as Joseph Smith, Sr., though the latter form is found in some works on the subject.

³ There is not space in this short sketch even to review or summarize the controversy arising from Smith's claims. See Bibliography.

⁴ Linn, *The Story of the Mormons*, 166-218.

arms,¹ for the news had spread about that the state of Missouri was persecuting them on account of their religion. This explanation of the trouble was received by the people of the state without due investigation, with the result that a bitter feeling arose within her borders against the sister state to the west.² In expressions of sympathy, church and party lines among the people were broken down.³ The very section of the state which later persecuted them so relentlessly was now the first to extend a hearty welcome to the fleeing saints. For a time those parts where they settled were held in envy by less-favored sections but the Mormons and their new neighbors were as yet unacquainted with each other.

If the church was to continue to prosper, the adherents must keep together and in touch with their leaders. To enable them to do this, a centrally located city was necessary. After sites both in Illinois and in Iowa had been investigated, the town of Commerce in Hancock County was selected by Mormon agents as the future home of the prophet and his chosen people. Soon after its acquisition the name of the place was changed to Nauvoo.⁴

Because the administration of Missouri, which had failed to protect them from the outrages of their neighbors, and the national administration, which had refused to redress their wrongs, were Democratic,⁵ the Mormons felt con-

¹ All writers agree upon this statement, and a careful examination of newspapers of the time convinces me that it is true. See also Linn, *The Story of the Mormons*, 219-22, for details.

² *Niles' National Register*, LVIII., 374-75; LIX., 57, 297; Linn, *The Story of the Mormons*, 221.

³ Ford, *History of Illinois*, 261.

⁴ The name is supposed to be of Hebrew origin and means "beautiful place" (*Niles' National Register*, LVII., 320; Linn, *The Story of the Mormons*, 225). In a footnote Mr. Linn gives an extract from a letter written by a competent Hebrew scholar.

⁵ The committee of Mormons carrying the petition for redress to Congress was composed of Joseph Smith, Sidney Rigdon, and Judge Higbee (*Niles' National Register*, LVII., 320). The petition was presented to the Senate by Senator Richard M. Young, January 23, 1840 (*ibid.*, 364).

siderable aversion toward that party, and accordingly voted the Whig ticket in 1840. On account of their number and solidarity, both parties in Illinois determined to win their support by favorable legislation.

Dr. John C. Bennett, who had joined their ranks soon after their entry into Illinois, was instrumental in getting through the legislature, in 1840, a charter for the city of Nauvoo. Against its passage there was not a dissenting vote. Neither party wished to gain the ill-will of the prophet and his people by opposing it; both parties hoped to gain their support by favoring it. In the struggle soon to come the charter, together with the privileges granted to the Nauvoo Legion, furnished a contention upon which the opposition could unite. Among other privileges the charter granted the Municipal Court of Nauvoo the right to hear *habeas corpus* proceedings in all cases arising under the city ordinances.¹

In February, 1841, Dr. Bennett was elected mayor of Nauvoo, Smith and Rigdon, high dignitaries in the church, being content with offices among the councilors.² In a short time the administrative machinery was busy and Nauvoo began a growth, which up to that time was unparalleled in the West.³ From a small village of huts, the place

¹ *Laws of Illinois*, 1840-41, 55.

² Ford was evidently writing from memory when he made the statement that Smith was the first mayor of Nauvoo. See Ford, *History of Illinois*, 265; likewise Davidson and Stuvé, *History of Illinois*, 1673-1884, 496. School histories of Illinois have usually followed Ford's statement blindly. In a recent communication to the author Mr. Linn says that the statement by Ford that Smith was the first mayor was so obviously wrong that he did not feel the necessity of quoting authority, when he stated that Bennett was the first mayor. See also *Niles' National Register*, LXII., 123; Stenhouse, *Rocky Mountain Saints*, 134.

³ Unfortunately there are no authoritative statistics of Nauvoo. On account of its sudden rise and fall, no government statistics could be taken. The nearest approach to a government census is that taken of Hancock County by the state. It is reasonably safe to place the population of Nauvoo in 1845-46, at 12,000, which made it the largest city in Illinois. For estimates see Linn, *The Story of the Mormons*, 227; Gerhard, *Illinois as It Is*, 108; Ferris, *Utah and the Mormons*, 103; Stenhouse, *Rocky Mountain Saints*, 225; *Publications of the Illinois State Historical Library*, No. 11, 94; *Alton Telegraph*, February 18,

was soon transformed into a city. Houses sprang up everywhere, public buildings were begun on a magnificent scale, and the people had every reason to believe that they had reached the "land of milk and honey" promised to them by the prophet.

Hardly had Smith become settled in his new home before he found himself in trouble. The authorities of Missouri were not yet through with him. In 1841, Governor Boggs of Missouri made a requisition upon Governor Carlin for the arrest of Smith as a fugitive but it seems that the warrant could not be served at the time. Afterward Smith was arrested in accordance with the requisition but secured his discharge on *habeas corpus* proceedings before Judge Stephen A. Douglas.¹

On May 6, 1842, an attempt was made to assassinate Governor Boggs while sitting in his home at Independence. The wounded man was convinced that Joseph Smith was the instigator of the deed and proceeded to have him indicted as an accessory to the crime. A new requisition was made upon the governor of Illinois for the arrest and handing over of the accused. Pretending to possess power to release prisoners on a writ of *habeas corpus*, no matter what the crime, the Municipal Court of Nauvoo gave Smith his freedom.² The non-Mormon population stood amazed at the audacity of the Nauvoo authorities, for the whole matter presented the spectacle of a state within a state.

Smith himself knew that his liberty and probably his life were in jeopardy, should he go outside of Nauvoo, and

1843; *State Register*, May 15, 1846; *Times and Seasons*, January 1, 1841; January 1, 1845; *Gazetteer of the United States of America*, 1845; *Niles' National Register*, LXII., 323; LXV., 180.

¹ Stenhouse, *Rocky Mountain Saints*, 138; Ford, *History of Illinois*, 266.

² This act was clearly illegal, except for the fact that the city council had passed an ordinance prohibiting such arrests. In this way any case was made to come illegally before the Municipal Court, as might have happened in the local court of any city in the state.

so kept in hiding;¹ but to continue this way of living was manifestly impossible. Therefore he determined to have the matter settled before a tribunal whose authority would be unquestioned. He surrendered himself and was taken immediately before Judge Pope of the United States District Court, at Springfield, in December, 1842, on a writ of *habeas corpus*. The outcome of the trial was that the prisoner was discharged on the broad principle that he was not a "fugitive from justice."²

After the election of 1840, the "old citizens" of Hancock County realized that the voting strength of the Mormons was far greater than their own. On account of this the old party lines were pretty well broken down. In 1841 the first contest between the two factions took place, and the anti-Mormons were successful.³ The next year the Mormons succeeded in filling all the county offices with their own people or so-called jack-Mormons.⁴ From this time on until the hegira in 1846, they kept control of county politics.⁵

In spite of the fact that Ford had pledged himself to urge the repeal of the Nauvoo charter, and in other ways had shown his hostile attitude toward the prophet and his followers, he carried Hancock County by an overwhelming majority.⁶ As soon as the results of the election became

¹ Governor Carlin even offered a reward of \$200 for Smith's arrest (*Sangamo Journal*, September 30, 1842).

² *Federal Cases*, case number 12,968; *Alton Telegraph*, January 14, 1843, portrays the feeling of the people, who felt that the decision was correct legally, but that some drastic measure was necessary to prevent a repetition of such an act. For further comments on the trial, see *Quincy Herald*, January 12, 1843; *Alton Telegraph*, January 28, 1843; *Niles' National Register*, LXIII., 389.

³ *State Register*, February 14, 1845.

⁴ *Sangamo Journal*, August 12, 1842.

⁵ *Publications of the Illinois State Historical Library*, No. 11, 96.

⁶ Ford, 1,748; Duncan, 711

known, the Whig press denounced the whole affair as a conspiracy on the part of the Democratic party managers.

Whatever opinions there may have been as to the legitimacy of the Mormon influence in local politics, the fact remains that such influence existed and must be taken account of in subsequent elections. While the Whigs redoubled their energies in opposing the upstart sect,¹ the Democrats were inclined to remain silent, for they were not at all sure of their ground and feared that one of the causes of their success in the late election might be the means of defeating them two years hence.

About this time an event occurred that augured badly for the Mormons. Despite the intimacy that had once existed between the prophet of the saints and the first mayor of Nauvoo, in 1842, they became estranged over the subject of spiritual-wifeism, which at this time was being discussed at Nauvoo. Bennett found the Whig press open to him for the purpose of exposing the practices of the leaders of the church. The whole affair has at this day the appearance of a mere political controversy, the *Sangamo Journal* taking one side and the *State Register* the other. Bennett traveled up and down the state making inflammatory speeches against his late benefactors. The affair attracted more attention than its importance warranted. Bennett's profligate life and character ought, in a great measure, to have detracted from the influence his charges would otherwise have had. As it was, the minds of a great many were unusually receptive, and the scandalous accusations were believed in their entirety in many quarters. No doubt Bennett's main purpose was to incite the governor of Missouri to make another

¹ In his *History of Illinois*, 314, Ford claims that this decision of Judge Pope, who was a Whig, encouraged the Whigs to endeavor to regain the Mormon vote. If G. T. M. Davis' letter in the *Alton Telegraph* of January 14, 1843, is a criterion of Whig feeling, Ford is evidently mistaken.

request for Smith's arrest on the old charge of being an accessory to the attempted assassination of Governor Boggs. While this charge seems never to have been revived, another one still older was brought forward.

The decision of the federal court convinced the authorities of Missouri that Smith could never be secured by charging him with a crime committed in Missouri at a time when the accused was in another state. Accordingly they trumped up an old charge of treason, supposed to have been committed five or six years before. An indictment was found against Smith, June 5, 1843. Almost at once a requisition was made upon Governor Ford for the arrest and delivery of the prophet to a special agent sent for the purpose of taking him to Missouri. The warrant was issued without delay and the prophet was arrested in Lee County, where he was visiting relatives, and turned over to the agent. Immediately Smith had the agent arrested for false imprisonment. As the agent was unable to give bond, he was held by the Sheriff of Lee County as a prisoner. Thus we have the curious spectacle of Smith being in the custody of an officer, who in turn was in the custody of the sheriff.

The parties in custody agreed to sue out writs of *habeas corpus*, returnable to the nearest competent tribunal in the district in which Quincy was situated, in order that the exact status of each might be determined. While on their way to Quincy they were met by a party of Mormons who escorted them to Nauvoo, where Smith was released on *habeas corpus* proceedings before his own court.¹

An occurrence which had a tendency to inflame the Whigs still more against the Mormons grew out of this trial.

¹ *Post*, 98. In his *History of Illinois*, 315. Ford is evidently mistaken about the charge in the indictment of June 5, 1843. See Linn, *The Story of the Mormons*, 247. No doubt Linn's authority, *The Times and Seasons*, is incorrect as to the exact time when the Mormons appeared to Smith and the agent. Note also error in *Niles' National Register*, LXIV., 320. This statement is corrected on p. 336 of the same volume.

It so happened that a congressional campaign was on in the district in which Nauvoo was located. Both candidates, Cyrus Walker and Joseph P. Hoge, were in Nauvoo when Smith arrived. Walker acted as counsel for the prophet before the Municipal Court and after a long speech succeeded in securing his release. Although both candidates had given favorable opinions on the court's jurisdiction in the case, Mr. Walker, the Whig candidate, had every reason to expect the Mormon vote in the approaching election. In this expectation he was to be disappointed. A few days before the election, Hyrum Smith, the patriarch of the church, had a vision in which the Mormons were directed to cast their votes for the Democratic candidate, Mr. Hoge,¹ which they did with the exception of Joseph Smith and one or two others.

Perceiving the futility of attempting to secure Smith by ordinary legal methods, the governor of Missouri requested Ford to call out the militia to assist in serving the warrant. Ford refused this request, but not without giving in full detail his reasons, which seemed to him quite sufficient for such refusal.²

Among the early citizens of Nauvoo were several members of the Masonic fraternity.³ In March, 1842, a lodge began work at Nauvoo, under a dispensation issued in the previous October. Because of glaring irregularities, the Grand Lodge in October, 1843, ordered an investigation of the

¹ Ford, *History of Illinois*, 319; *Alton Telegraph*, August 12, 1843.

² *Post*, 98-101; the two leading Whig papers, the *Alton Telegraph* and *Sangamo Journal*, lay no particular stress on his refusal to call out the militia. Ford was too sensitive in this matter if his feelings are properly expressed in his *History of Illinois*, 317-18. See also Stenhouse, *Rocky Mountain Saints*, 142-43.

³ As far as I know, this is the first time that the Masonic organization has been brought into the Mormon controversy, with one exception. In a book entitled *The Mormon Menace*, 180-81, the statement is made that a Masonic lodge existed at Nauvoo as long as the Mormons continued to live there. As this is a recent publication, it is likely to be copied with little regard for the truth of the statement. The Mormons, who all along claimed to be regular Masons, built a marble-front building at Nauvoo and called it the "Masonic Lodge" (*Niles' National Register*, LXIX., 68).

Nauvoo lodge. Pursuant to the recommendations of the committee, which went in person to examine the lodge and its records, the dispensation was continued until the next meeting of the Grand Lodge. At this meeting a charter was refused the Nauvoo lodge and its dispensation was revoked. To be sure of compliance with the commands of the Grand Lodge a special messenger was sent to demand the surrender of the dispensation. The demand was treated with contempt and the messenger was informed that the Nauvoo lodge had determined to continue, notwithstanding the edict of the governing body. The only step left for the Grand Lodge was to declare all Masons working in the local lodge clandestine and to publish the fact to the brethren everywhere.¹ In the membership of the Nauvoo lodge we find the names of Hyrum Smith and Heber C. Kimball, two choice spirits among the saints. In his confession entitled *The Mormon Menace*, John Doyle Lee says that both the Smiths occupied high places in the lodge. Whether or not this breaking away from constituted authority was one of the fundamental causes of the bad blood in western Illinois is a matter of conjecture. Perhaps it accentuated the difficulty and widened the gulf between the Mormon population and the "old citizens."

Late in the year 1843, Joseph Smith addressed letters to Henry Clay and John C. Calhoun, who were spoken of as prospective presidential candidates. The prophet asked each of them to state what attitude he would take toward the Mormons in case he were elected president. The answers were evasive and not at all satisfactory to the prophet.² In its issue of February 15, 1844, the *Times and*

¹ *Proceedings of the Grand Lodge of Illinois*, 1840-50 (reprint 1891), 58-350.

² For Clay's reply see *Times and Seasons*, June 1, 1844. Linn, *The Story of the Mormons*, 250, gives an excellent summarization of this letter. For Calhoun's reply see *Niles' National Register*, LXV., 357.

Seasons discusses the various candidates for the presidency and sums up the article by finding all of them deficient from a Mormon standpoint. By no means was it considered that an acceptable candidate was lacking. There was one and he was no other than the irrepressible Joseph Smith. "Under these circumstances the question again arises, who [*sic*] shall we support? General Joseph Smith." Thus was the favorite son of Hancock County brought to the attention of the voters of the United States. Beginning with the next issue, March 1, 1844, the name of the prophet-general, as a candidate for the presidency, graced the most prominent place in the paper and was not withdrawn until after his untimely death in the following June.

To make everything regular a state convention was called to meet at Nauvoo, May 19, for the declared purpose of furthering the Mormon cause in the approaching election. Delegates were selected to go to the "Baltimore Convention," where they should make overtures for their candidate.¹ As a running-mate for the prophet, General James A. Bennett was chosen; but for some reason, never explained in the Mormon papers as far as I have been able to find, Bennett's name was dropped and that of Sidney Rigdon substituted in its place.² Smith's earnestness in his candidacy is a matter of conjecture. His most intimate followers have said that he was honest in his intentions, and many of the Mormons sincerely believed that he would have been the next president of the United States, had he lived a year longer. On the other hand, his enemies claimed that he was only seeking after cheap notoriety.³

¹ *Alton Telegraph*, May 11, 1844. To which party overtures were intended to be made is not clear, for both conventions of 1844 were held at Baltimore.

² *Times and Seasons*, June 1, 1844. No less an authority than *Niles' National Register*, LXV., 355, has confounded this General Bennett with General John C. Bennett, first mayor of Nauvoo and major-general of the Nauvoo Legion.

³ For different opinions of Smith's candidacy see *Publications of the Illinois State His-*

The fear that the Mormon vote would decide the elections of 1844 caused the anti-Mormon population of Hancock and adjoining counties to lay aside their political differences and unite against the common enemy. The feeling was further intensified by the belief that the Mormon vote at Nauvoo would be out of all proportion to the voting population. Even with an honest return, the Mormons could fill all the offices in Hancock County, with hundreds of votes to spare, and they asked for an alliance with neither Whigs nor Democrats. On account of the Mormons' political strength, the citizens in and around Carthage and Warsaw desired to do something drastic and to do it at once. To be able to carry out their designs, the Whigs and Democrats forgot their old animosities and in an informal way took on the already well-known name "old citizen." Thus matters stood politically when the storm broke.

Just when the doctrine of spiritual-wifeism originated, or who was responsible for it, or whether it was a hoax, need not concern us here.¹ The results were the same, for the people believed that such a practice was carried on among the saints, despite the prophet's statements to the contrary,² and the bare belief was enough to change the character of the conflict. Minor causes were eliminated after the opinion became prevalent that the marriage vows were being broken under the cloak of religious tolerance. From that time on the struggle takes on the character of a

torical Library, No. 11, 98; Lee, *The Mormon Menace*, 188-89; Ferris, *Utah and the Mormons*, 110; Ford, *History of Illinois*, 321; Moses, *Illinois Historical and Statistical*, I., 451. Soon after Smith had announced his candidacy he sent elders of the church on electioneering trips through the different states. A Mormon National Convention convened at Baltimore, July 13, 1844, but having heard of their candidate's death, adjourned *sine die* (*Niles' National Register*, LXVI. 325).

¹ Most works on Mormonism give a history of spiritual-wifeism, out of which it is said that polygamy has grown. For an excellent account see Linn, *The Story of the Mormons*, 268-90.

² Lee, *The Mormon Menace*, 183.

religious war.¹ Not all the opposition was from the outside, for some of the Mormons in high places believed or professed to believe that the new doctrine was decidedly wrong.² Whether they were actuated by the desire to prevent the introduction of such a practice, or to dethrone the prophethood, will never be known, but it was this opposition that brought about the most dramatic incident in the history of Mormonism, the incident that has served to strengthen and magnify the very thing the perpetrators of the crime had hoped to blot out, the fanatical reverence of the saints for the prophet.

Among the followers of Smith was William Law, a Canadian by birth, who occupied a high place in the councils of the church. Claiming that the prophet had attempted to persuade Mrs. Law to accept the practice of spiritual-wifeism, Law set about to expose the evils of the system. As soon as his intentions became known, he found himself at the head of a dissenting party, formidable for its influence and wealth, rather than on account of its numbers.³ In order to combat successfully the official organs of the church, a printing plant was procured and a paper was established at Nauvoo. True to its declared purpose, it was called the *Expositor*.⁴ Its first and only issue presented a bold front by unveiling the actions of the prophet and exposing his pretensions in no uncertain terms. Every word breathes defiance, and its general tone convinces one that discretion was thrown to the wind.⁵

¹ Stenhouse, *Rocky Mountain Saints*, 218; Ferris, *Utah and the Mormons*, 113; *Warsaw Signal*, March 25, 1844.

² Ferris, *Utah and the Mormons*, 111.

³ Lee, *The Mormon Menace*, 185; Gregg, *The Prophet of Palmyra*, 239.

⁴ Date of issue, Friday, June 7, 1844; editor, Sylvester Emmons; parties interested in the publication, William Law, Wilson Law, Charles Ivins, Francis Higbee, Chauncey L. Higbee, Robert D. Foster, Charles A. Foster. Copies are very rare, but one may be found in the Illinois State Historical Library.

⁵ The *Expositor* printed a "preamble" and resolution of "seceders from the church at

The day after the issue of the *Expositor* the city council of Nauvoo met in extraordinary session to consider the proper procedure to take in the matter. Nothing was done that day, Saturday, and the council adjourned until the following Monday, when, after deliberating the entire day, it was finally agreed that the paper was a nuisance and ought to be abated. Clothed with authority from the city council, Joseph Smith, as mayor, had the office broken into and the plant destroyed within two hours after the decision had been reached.

Smarting for revenge, Law and his friends hastened to Carthage and swore out warrants for the arrest of the mayor and councilors of Nauvoo. The serving of the warrants was quite another question, for, according to certain ordinances of the city of Nauvoo,¹ service could not be secured without the consent of the mayor, who at that time was one of the accused. When the warrants were presented they were set aside by a writ of *habeas corpus* issued by the Nauvoo Municipal Court, which resulted in the discharge of the accused June 17, 1844.

Goaded to desperation, the prophet issued his defense of the destruction of the *Expositor* through one of the Mormon organs. Not content with stating the bare facts as he saw them, he flared up in a bitter denunciation of his enemies both within and without the city. The document impresses

Nauvoo" and affidavits by Mr. and Mrs. William Law and others to the effect that Hyrum Smith had read the "revelation" concerning polygamy to the High Council of the church. Joseph Smith is charged with enticing women to join the Mormons for no other purpose than to enter into spiritual-wifeism with them. In order to bring the anti-Mormons to their support, a whole column, the work of Francis Higbee, is used to persuade the voters of Hancock County not to vote for Hyrum Smith, who was a candidate for the legislature at that time.

¹The ordinance in question reads thus: "To prevent kidnapping, illegal arrest of persons, or unlawful searches for property, all writs or warrants issued out of the city shall, before they are executed within the limits of said city [Nauvoo], be examined by, and receive the approval and signature of the mayor of said city on the back of said process, and be served by the marshal of said city."—*Niles' National Register*, LXV., 355.

one as being the product of religious fanaticism rather than of good judgment and sound reasoning.¹

The anti-Mormons immediately began preparation for the struggle that appeared inevitable. Public indignation meetings were held and troops raised in the adjoining localities. It was the opinion of a meeting held at Warsaw that the Mormons in the outlying districts ought to be driven into Nauvoo, that the destroyers of the *Expositor* should be demanded, that a refusal to hand over the guilty parties should be followed by a war of extermination.²

On June 17 a committee from Carthage urged upon Governor Ford the necessity of calling out the militia.³ Believing that the urgency of the occasion demanded his presence, the governor hastened to the seat of trouble, arriving at Carthage on the twenty-first. Ford's first concern was to uphold the law.⁴ Fearing personal violence to the prisoners, should they be taken, the governor addressed the assembled militia urging upon them the necessity of avoiding unlawful acts. To strengthen his position, he secured from them a pledge that they would aid him in protecting the accused Mormons after their arrest.⁵

¹ In the *Neighbor* of June 15, 1844, Smith says: "Our city is infested with a set of black legs, counterfeiters and debauchees, and that the proprietors of this press were of that class, the minutes of the Municipal Court fully testify, and in ridding our young and flourishing city of such characters, we are abused by not only villanous demagogues, but by some who, from their station and influence in society, ought rather to raise than depress the standard of human excellence. We have no disturbance or excitement among us, save what is made by the thousand and one idle rumors afloat in the country. Every one is protected in his person and property, and but few cities of a population of twenty thousand people in the United States, hath less of dissipation or vice of any kind than the city of Nauvoo.

"Of the correctness of our conduct in this affair, we appeal to every high court in the state, and to its ordeal we are ready to appear at any time that His Excellency, Governor Ford, shall please to call us before it. I, therefore, in behalf of the Municipal Court of Nauvoo, warn the lawless not to be precipitate in any interference in our affairs, for as sure as there is a God in Israel we shall ride triumphant over all opposition."

² *Niles' National Register*, LXVI., 278.

³ Ford, *History of Illinois*, 324.

⁴ *Post*, cxlv.

⁵ Ford, *History of Illinois*, 332.

With this promise secured, Ford decided to send word to the prophet that no violence would be shown him and his associates if they would surrender themselves to the protection of the law. Accordingly a constable accompanied by ten militiamen delivered the message to Smith at Nauvoo. In reply the mayor and councilors promised to accompany the officer to Carthage the next morning, June 23, at eight o'clock. When the accused failed to appear at the time agreed upon, the constable and his escort returned immediately to Carthage, without even attempting to serve the warrants or to discover why the promise had been broken.¹

The prophet had no doubt made the promise in order to gain time for more mature deliberations. During the night of the twenty-second, in company with several of the Mormon leaders, he attempted to flee, but was persuaded to return by the protestations of friends and relatives, who considered flight inconsistent with his position as the prophet of the Lord.²

Smith's failure to surrender as he had promised was considered to be a declaration of war, and both sides prepared for the conflict. Certain sections of the act incorporating the city of Nauvoo authorized the organization of the citizens of Hancock County into military companies, which were to be known collectively as the Nauvoo Legion.³ While this body of citizen-soldiers was a part of the state militia and under the ultimate command of the governor, it possessed powers and privileges quite unique.⁴ At the time of its organization it had received its share of the state arms, amounting to about 250 stands of small arms and three pieces

¹ Ford, *History of Illinois*, 333.

² Linn, *The Story of the Mormons*, 299.

³ *Laws of Illinois*, 1840-41, 57.

⁴ It was clearly defined as an independent organization and was authorized to assist the mayor of Nauvoo in executing city ordinances.

of cannon. Although this amount was greatly exaggerated by the anti-Mormons,¹ subsequent events prove that their fear of the Mormons as a military body was well founded, for the amount of arms received from the state was insignificant compared with their real armament. The Legion was strong not only in numbers² and equipment, but in discipline³ and in the blind fanaticism that drove them to follow their leaders without considering the consequences.⁴ Opposed to the Legion were at least fifteen hundred well-armed and determined men gathered at Carthage, besides hundreds of others in the immediate neighborhood; and they were not lacking in zeal, for they firmly believed that they were about to perform the most sacred duty in the world, the protection of the integrity of the home. Considered from any standpoint the situation was critical, and the temporary outcome was uncertain, depending entirely upon the conservatism of the leaders on either side.

The only courses left to Smith, after abandoning the attempted flight, were to surrender or to fight. Fortunately for all concerned, he took the former though he believed that it would lead to his death, and on June 23, the prophet preached his last sermon to the saints, preparatory to starting for Carthage on the morrow.⁵

In the meantime, Governor Ford was assembling a force,

¹ According to the *Sangamo Journal* the Legion had "all the state arms, some twenty or thirty cannon, a large number of muskets, daggers, pistols and cutlasses."—*Niles' National Register*, LXII., 342.

² The exact strength of the Legion is a matter of speculation. Ferris, *Utah and the Mormons*, 100, puts the number at 4,000; *Niles' National Register*, LXV., 229, says 5,000. The state census of 1845 gives the strength of the militia in the most populous counties as follows: Hancock, 3,593; Cook, 5,540; Madison, 3,822; St. Clair, 3,313; Sangamon, 3,409; Jo Daviess, 4,674 (*State Register*, May 15, 1845).

³ In appointment and discipline the Nauvoo Legion equaled approximately the regular army of the United States (Ferris, *Utah and the Mormons*, 103; *Niles' National Register*, LXV., 229).

⁴ *Niles' National Register*, LXV., 354.

⁵ *Publications of the Illinois State Historical Library*, No. 11, 93.

which he sent to Nauvoo to demand the return of the state arms. While approaching the city, this force, comprising sixty men, met the accused Mormons and their counsel, who were on their way to Carthage. Both parties returned to Nauvoo, where the arms of the state were surrendered to the governor's agent by order of the prophet. On account of this delay, the Mormon party did not reach Carthage until midnight of the twenty-fourth. The next day the accused Mormons surrendered to the authorities on the charge of riot in connection with the destruction of the *Expositor*.

In accordance with the usual proceedings, each of the accused, fifteen in all, was released on bond in the sum of \$500, for his appearance at the next term of the Circuit Court. Almost immediately, however, Joseph Smith and his brother Hyrum were again arrested on a charge of treason, sworn out by Augustine Spencer and Henry O. Norton. On account of the absence of important witnesses trial was postponed, and the Smiths were committed to the county jail.¹

Following this action, Governor Ford found himself in an unenviable situation. Counsel for the Smiths argued before the governor that the action of the justice of the peace in committing their clients to jail was illegal. This contention was no doubt true, for there seemed to have been no hearing of the case. The justice justified his act by declaring his sincere belief that the Smiths were exposed to the

¹ Ford's account as given in his *History of Illinois* has been used here for the few days preceding and following the murder. The *Sangamo Journal*, July 11, 1844; the *Alton Telegraph*, July 6, 1844; and *Niles' National Register* (letter from the editor of the *St. Louis Republican*), LXVI., 329-30, all Whig accounts, and naturally opposed to Ford, substantiate him in the main. Near the close of this sketch I have discussed the authenticity of Ford's account. Note error in Pooley, *Settlement of Illinois, 1830-50, Reprint from the Bulletin of the University of Wisconsin History Series*, I., 521, where it is said that the prophet and three followers were arrested on the charge of treason. Note also error in *Niles' National Register*, LXVI., 311, where it is said that five were imprisoned.

vengeance of a mob, if they remained at the hotel, and the governor, who no doubt considered such confinement as a wise precaution, hesitated to interfere. He did, however, consent to a military guard being placed around the jail.

With the Mormon leaders out of the way, the anti-Mormon forces made known their desire to visit Nauvoo with the ostensible purpose of investigating Mormon establishments for making counterfeit money. No doubt the real purpose was to satisfy the curiosity of those who had never been in the Mormon stronghold and to overawe the populace by a show of military strength. After considerable reluctance the governor consented to such an expedition but not without misgivings. To make sure of the safety of the prisoners, he proposed taking them along with the militia.

At the last moment the governor changed his plans and as a result discharged the militia with the exception of three companies. Leaving two of the companies to guard the jail, the governor, accompanied by Colonel Buckmaster and Captain Dunn's company of dragoons, proceeded to Nauvoo on the twenty-seventh. He called together the inhabitants and told them in a straightforward manner that they had been the aggressors in the conflict.¹ After Ford's talk the Mormons voted unanimously to abide by the law, even if the prophet should will otherwise. Without unnecessary delay, Governor Ford and the militia started on the return march to Carthage. Hardly were they under way before a messenger met them with the news that the guards around the jail had been overpowered and the Smiths murdered. Deeming it the part of wisdom to keep the news from the Mormons as long as possible, the governor ordered the messenger to return with him to Carthage.

Governor Ford's action in detailing citizens of Hancock

¹ *Alton Telegraph*, July 6, 1844.

County as a guard has been censured a great deal and not without reason. His explanations are weak and unsatisfactory. Among all his administrative acts, this one stands out as a serious blunder. If he had any right whatever to detail a guard from the state militia, he had the privilege to select men whom he knew to be less bitter toward the Smiths than the Carthage Grays. The occasion for which the rabid anti-Mormons had long sought was not likely to be neglected. To the minds of many the destruction of the prophet and the patriarch would bring about a rapid disintegration of the church. Men not in the confidence of the governor predicted that the Smiths would never leave the jail alive.ⁱ Ford's well-known attitude toward the enforcement of the law shut him off from such rumors, with the result that he was entirely ignorant of any plot that might have existed to put the prisoners to death. If the killing was carefully planned beforehand, as many think it was, then the governor's excuse that he knew of no such plan is valid, for the plotters would have left nothing undone to convince the governor that the prisoners were safe from violence.

At Ford's suggestion, the prisoners were allowed the liberty of a large assembly hall in the jail. Here they received their friends without any restraint whatever. No care was taken to prevent the smuggling in of tools and weapons. When the catastrophe finally came, two visitors were present, John Taylor and William Richards. The four Mormons made what resistance they could when the jail was attacked by the mob about six o'clock on the evening of June 27, 1844. Taylor was badly wounded, Hyrum Smith was killed in the room, while the prophet leaped from the window

ⁱ Letter by George T. M. Davis, written 8 P.M., June 26 (*Alton Telegraph*, July 6, 1844).

only to meet his death a moment later.¹ It has been charged that the guards were in the plot, but pretended to make an honest stand by having their guns loaded with powder only. The truth of the story lies buried with those who took part in it.

When the non-Mormon population heard of the crime, consternation reigned. Immediate retaliation on the part of the Mormons was expected. Women and children were sent without delay to places of safety, while the men prepared for the worst.² To make the situation still more critical, the militia had been disbanded and sent home. Realizing that he had the confidence of neither party,³ the governor went to Quincy, from which place he directed affairs through agents.⁴

The reason why the Mormons did not strike the defenseless anti-Mormon territory is explained in part by a letter sent to Mrs. Emma Smith, widow of the prophet, and Major General Dunham, by William Richards, John Taylor, and Samuel H. Smith, in which the Mormons are advised to remain within the city in order to repel an expected attack from Missouri.⁵

The day after the murder the bodies were conveyed to Nauvoo, arriving there about three o'clock in the afternoon. The entire Mormon population met the funeral cortège

¹ There still exists doubt as to the exact manner of the prophet's death. It is said by some that he was killed as he crawled out over the window-sill, and fell to the ground dead; by others that the fall stunned him, preventing any resistance to those who proceeded to put him to death. Even the eye-witnesses of the deed are not agreed. See Linn, *The Story of the Mormons*, 306; Ferris, *Utah and the Mormons*, 125; Stenhouse, *Rocky Mountain Saints*, 168.

² *Times and Seasons*, July 1, 1844.

³ The editor of the *St. Louis Republican* considered Ford justifiable in distrusting both parties (*Niles' National Register*, July 20, 1844).

⁴ *Alton Telegraph*, August 3, 1844; *Niles' National Register*, LXVI., 329-30; *Sangamo Journal*, October 11, 1844.

⁵ A copy of the letter may be found in Ferris, *Utah and the Mormons*, 126-27; *Times and Seasons*, July 1, 1844; Linn, *The Story of the Mormons* (abridged), 314.

outside the city and conducted it to the Nauvoo Mansion, where addresses were made by prominent Mormons. The place of burial has long been in dispute. The Smith family seemed to have feared robbery and to have buried the bodies in a secret place, the exact position of which is unknown even to this day.¹ If the Mormons thought that the prophet's blood had brought them peace, they were mistaken. The anti-Mormons would be content only with the expulsion of the sect whom they considered dangerous to their well-being. Under the guise of a wolf hunt an assembly of huntsmen, made up in part of rabid anti-Mormons, was contemplated. Invitations to the various military organizations in Hancock and the adjoining counties, and to anti-Mormons in Missouri were sent out.² The over-zealousness of the anti-Mormon press made Governor Ford suspicious of the whole affair. Wishing, if possible, to prevent open hostilities, the governor raised five hundred volunteers, with which force he marched into the troubled territory, arriving October 25, 1844. Fearing the result of open defiance to the state authorities, those who had gathered dispersed, and the ringleaders fled into Missouri. As far as the Mormons were concerned the incident was closed.³

Little occurred during the winter of 1844-45 to cause the governor any trouble. Isolated acts of violence were committed now and then, but open hostility was avoided by both sides. After considerable delay, and not without scenes of disorder, the suspected murderers of the Smiths were brought to trial and discharged.⁴

¹ Stenhouse, *Rocky Mountain Saints*, 174-75; Linn, *The Story of the Mormons*, 307; *Publications of the Illinois State Historical Library*, No. 11, 94; Lee, *The Mormon Menace*, 197.

² *Niles' National Register*, LXVII., 68.

³ *Sangamo Journal*, October 24, 1845; Gerhard, *Illinois as It Is*, 116-17.

⁴ The men charged with the crime were: Levi Williams, T. C. Thorpe, M. Aldrich, Jacob C. Davis, W. N. Grover, John Allyer, William Davis, John Willis, and William

On September 9, 1845, a body of men fired into a school house, in which an anti-Mormon meeting was being held. Although the windows and doors were completely riddled with bullets, no one was injured.¹ Suspicion pointed to the Mormons and scenes of violence followed,² in which many of the Mormons living in outlying districts suffered. Many of the anti-Mormons felt that they had good cause for retaliation. Despite the advice of their non-Mormon friends, the Mormons had voted in a special election held in Hancock County in August, 1845. They succeeded in electing a "jack-Mormon" by a large majority,³ part of which their enemies claimed was illegal. The newly elected official was Sheriff J. B. Backenstos, who was very obnoxious to the people of Carthage and Warsaw, and had been notified by the Carthage Grays several months before to leave the county.⁴

As soon as the trouble broke out, the sheriff began issuing proclamations to the people of Hancock County, in which he demanded submission to the law.⁵ Although little attention was paid to these proclamations, the sheriff soon had the matter temporarily in hand to such an extent that he was able to secure outward obedience to his demands. During this time Governor Ford was not idle. On Septem-

Gallagher. The story of the arrest and trial of these men may be found in *Alton Telegraph*, October 5, 12, 26, November 9, December 12, 1844, February 22, May 31, June 14, July 12, 1845; *State Register*, November 1, 1844, January 10, 1845; *Niles' National Register*, LXVIII., 180.

¹ *Alton Telegraph*, September 30, 1845; *St. Louis Republican*, September 17, 1845; *Niles' National Register*, LXIX., 53. It was the general opinion outside the immediate neighborhood of Hancock County that the deed was committed by anti-Mormons for the purpose of rousing those inclined to be neutral.

² *Sangamo Journal*, September 25, 1845.

³ Results of election: Backenstos, 2,334; John Scott, 750; scattering, 11 (*Alton Telegraph*, August 23, 1845; *State Register*, August 29, 1845).

⁴ *Niles' National Register*, LXVIII., 180.

⁵ Backenstos made it clear in the proclamations that none of the citizens of Nauvoo should be called out unless absolutely necessary (*State Register*, September 19, 26, 1845; *Missouri Reporter*, September 20, 1845).

ber 20, 1845, he called upon the militia of Sangamon, Menard, Cass, Scott, Pike, Morgan, and Greene counties for 500 volunteers. At the same time General Hardin and several colonels were ordered to raise troops.¹ Five days later General Hardin left Jacksonville with a small force, reaching Carthage on the twenty-seventh.²

Before the arrival of the militia a committee of leading Mormons had made a proposition to "Colonel Levi Williams and the mob party" to stop all acts of violence on both sides.³ As no one would acknowledge being in a mob, nothing came of it. A little later, on September 22, terms of sale of Mormon property were set forth in a lengthy document signed by Brigham Young and W. Richards.⁴

Instead of meeting the Mormon advances in a conciliatory manner, the anti-Mormons manifested the opposite spirit. Nothing short of a complete expulsion would be satisfactory. The same feeling was spreading to the surrounding counties. On September 22 a mass meeting was held at Quincy, with the result that a committee visited Nauvoo the next day with the request that the Mormons abandon their objectionable practices or leave the state.⁵ On the next day a public meeting was held in McDonough County, at which six anti-Mormon resolutions were passed.⁶ The culmination of the agitation was reached in a great meeting at Carthage, October 1, 1845. Eight or nine counties, not including Hancock, were represented.⁷ The spirit of the meeting

¹ *State Register*, September 26, 1845.

² *Alton Telegraph*, October 4, 1845; *State Register*, October 3, 1845.

³ *State Register*, September 26, 1845.

⁴ *Ibid.*, October 3, 1845.

⁵ *Alton Telegraph*, October 4, 1845.

⁶ *Ibid.*

⁷ Counties represented: Adams, Pike, Schuyler, Brown, McDonough, Henderson, Warren, Knox (*Alton Telegraph*, October 18, 1845). Linn, *The Story of the Mormons*, 390, gives the number as ten, including Hancock County. Ford makes the same statement but neither names the counties.

was "that the Mormons must and shall leave Hancock County and the State of Illinois."¹

The coming of the militia into Hancock County was announced by a proclamation, issued September 27, by General Hardin, who made it clear that the force at his command was there for the purpose of enforcing the law, and not to aid either party in breaking it. To bring about a compromise satisfactory to all concerned, Governor Ford appointed a committee of prominent men to wait on the Mormons and ascertain their intentions regarding the demands of their enemies.² On October 1 the Mormons stated certain conditions under which they would depart from the state in peace.³ The next day the committee announced the results of their negotiations, and the anti-Mormons were urged to accept in good faith the conditions proposed by the saints.⁴

During the winter of 1845-46, a small detachment under Major Warren patrolled the troubled region. Thanks to his firmness and vigilance, crimes were almost eliminated and the supremacy of the law was once more recognized in western Illinois.⁵

¹ *Alton Telegraph*, October 18, 1845.

² Committee: John J. Hardin, Stephen A. Douglas, W. B. Warren, J. A. McDougall.

³ Terms and statements submitted by the Mormons: (1) They had made arrangements to leave the state before the beginning of the late disturbance. (2) They had four companies organized of one hundred families each, and six companies under organization. (3) One thousand families, including the twelve, the high council, the trustees and the general authorities of the church, were determined to move in the spring of 1846, independent of the contingency of selling their property. (4) The church as a body desired to remove from Illinois. (5) Several hundred farms and 2,000 houses for sale. (6) They did not expect to find purchasers for the temple and other public buildings, and would rent them. (7) They said that they were in earnest and that if these statements would not convince the anti-Mormons, a sign would soon be given that could not be mistaken, "We will leave them."—*State Register*, October 10, 1845.

⁴ The Mormons gave their enemies to understand that while they were willing to sell their property at a low figure, they would not sacrifice it (*ibid.*).

⁵ Major Warren facilitated the Mormon exodus by declaring that if there was any fighting to be done, he and his men would do it and not the Mormons. Thus he gave the people of Nauvoo the opportunity to concentrate their efforts on their preparation for going away (*State Register*, May 22, 1846; *Niles' National Register*, LXIX., 416).

Would the Mormons migrate as they had promised? Citizens of Brown and Henderson counties professed to believe that they would not, and this belief took form in a mass meeting held in the spring of 1846.¹ The majority of the people preferred to await developments, for some of the Mormons had already gone. In November, 1845, a proclamation concerning the migration had been published by the Mormon leaders, and in the following January a definite date for their departure was set.² Every effort was made to trade farms and houses for animals and wagons. The whole city of Nauvoo was one great workshop, in which factional strife was forgotten for the time being.

In February, 1846, the emigration westward began.³ Not even the ice and snow deterred these people, whose whole desire seemed to have been to escape their persecutors. Even the hearts of the anti-Mormons in Hancock County were touched, when they saw the advance guard of the saints shivering in the snow.⁴ The advance party, composed of about two thousand persons, comprising the leaders and the strongest men in the church, was under the command of Brigham Young.⁵ As spring advanced the migration increased in volume until the ferries found their capacities quite inadequate to take all across as quickly as they wished.

Even this activity did not satisfy some of the anti-Mormons. They still professed to believe that many of the despised sect intended to remain in the state. Accordingly, a meeting was held at Carthage, June 6, 1846, in which it

¹ *Alton Telegraph*, May 2, 1846.

² Stenhouse, *Rocky Mountain Saints*, 221-22.

³ The migration began before the time set. Two reasons have been assigned for this: (1) The advance guard was to go early enough to plant grain along the route so that the main body might be able to harvest it. (2) Brigham Young and other leaders fled to escape arrest on indictments for counterfeiting (*Sangamo Journal*, December 25, 1845).

⁴ *Alton Telegraph*, March 14, 1846.

⁵ *Publications of the Illinois State Historical Library*, No. 11, 94.

was charged that Mormon depredations were still being carried on. To prevent this the citizens were advised to equip themselves for action. From this time on the anti-Mormon agitation took a form disgraceful to all connected with it. If ever a people were broken, the Mormons remaining in Illinois were. Only the poor and the weak had been left behind; the strong men of the church had crossed the river never to return. If there ever was a time for a victorious faction to be magnanimous, it was in 1846, in Hancock County.¹

By this time another element had come into the old Mormon settlement. When it became generally known that the saints really intended to leave Nauvoo, crowds of home seekers and prospectors gathered there. Deals were made in great numbers until the "new citizens" became quite numerous. Possessing little of the rancor felt by the remaining non-Mormon population, their attitude toward the Mormons was often sympathetic.

The Mexican War had called to the front the men who had so fearlessly enforced the laws in Hancock County during the winter of 1845-46, and in the fall of the latter year hostile movements were made against Nauvoo. On September 12, Colonel Brockman, who was in command of the anti-Mormon forces, demanded the surrender of the city. This demand was refused, and a general engagement ensued, in which several persons were killed and wounded. Peace was finally brought about by a committee from Quincy, on condition that the Mormons should deliver up their arms and leave the state without delay.²

¹ Public indignation meetings were held to protest against the actions of the Hancock County people (*State Register*, October 16, November 6, 1846; *Sangamo Journal*, October 22, 1846). Outside the state the more rabid anti-Mormons led by the *Warsaw Signal* were condemned (*Niles' National Register*, LXIX., 68).

² Conditions agreed to: (1) "The Mormons to surrender, the city to be entered by the army on the 17th instant at 3 o'clock P.M." (2) "The arms of the Mormons to be

In response to an appeal from the "new citizens" who feared that the wrath of the anti-Mormons would be turned against them, the governor led a force of militia into Nauvoo with the result that all serious trouble had ceased at the expiration of his term of office, and to his successor was left the pleasant duty of recalling this force and proclaiming that Mormon hostilities in Illinois had ceased forever.¹

VII. THE MEXICAN WAR

The different phases of the controversy between the United States and Mexico were well known to the people of Illinois, for the papers of the state were diligent in copying news from their exchanges in the East, and more than one Illinoisan had found his way into the disputed territory and afterward returned to proclaim the justice of the Texan claim. The local political organizations, both Democratic and Whig, followed national affairs closely in order to interpret as quickly as possible the popular trend of the Mexican controversy. In the state campaign of 1846 the Whigs were charged with being opposed to the war with Mexico, but the press of that party denied the accusation as bravely as it could in the face of the declared policy of the national leaders of that party. In answering its opponents on this charge, the *Sangamo Journal* said: "The Whigs of the nation, in Congress and elsewhere, as a body, have united in the support of the war with all their power and influence."² Even if the Whigs had opposed the war, the only thing left for the party was to accept defeat as

delivered to the Quincy committee, to be returned on their crossing the river." (3) "The Antis pledged protection to person and property." (4) "The Mormon population to leave the state, or disperse immediately."—*Niles' National Register*, LXXI., 99.

¹ *Post*, 131-33.

² Issue of July 2, 1846.

gracefully as possible, for the conflict had begun. In response to President Polk's call for troops, Governor Ford issued a proclamation, May 25, 1846, calling for thirty companies of volunteers, the maximum strength of each company to be eighty men. Commanders of regiments and odd battalions in each county were to assemble the militia, and where such officers did not exist, their duty was to be performed by the sheriff.¹

On account of the disorganization of the militia throughout the state, there was some delay in answering the call of the governor, who was unjustly blamed for the situation.² In some of the counties the sheriffs failed to call together the citizen-soldiers, in which case it devolved upon the public-spirited men of the community to see that their county was represented when the troops were mobilized.³ Whatever delay there was had no effect on the outcome of the struggle, for the state and nation were not adequately prepared to take care of the men when they did answer the call for volunteers. Enthusiasm ran high. The weekly papers devoted considerable space to publishing extracts from the army regulations and, in order to impress upon the people the importance of enlisting, reference was frequently made in their columns to the charge, made in Washington, that Illinois could not fill her quota.⁴

From all parts of the state came a hearty response. Men in all walks of life enlisted as privates. Within ten days the thirty companies called for had organized and reported. "By the time the place of rendezvous had been selected (Alton), there had been seventy-five companies recruited—

¹ *Adjutant-General's Reports*, IX., xxvi.; *Alton Telegraph*, May 30, 1846.

² *Ibid.*, June 6, 1846.

³ Among these counties we know of Wayne, St. Clair, Madison, Shelby, Washington, McLean (*Sangamo Journal*, June 4, 1846).

⁴ *Ibid.*, June 18, 1846.

each furious to go."¹ Congressman E. D. Baker persuaded the secretary of war to accept another regiment from Illinois. In this way an outlet was furnished for the warlike spirit of the people. The four regiments bore the numbers from one to four, and were commanded by John J. Hardin, William H. Bissell, Ferris Foreman, and E. D. Baker respectively. The first three were mustered into the United States service July 2, 1846, and the fourth, sixteen days later.

The zeal of the people to enlist and the burning desire of the officers to command caused the governor no little trouble. It was impossible to prevent mistakes and misunderstandings. One of the first disputes to claim the governor's attention broke out between Colonels Baker and Hardin. Each of these officers, backed by the company and staff officers of his regiment, claimed superiority in rank among the colonels from Illinois. Ford considered the matter to be delicate and had it submitted to ten captains, who reported that they had no jurisdiction in the dispute.² The governor then saw that he must assume responsibility, if the lamentable affair was to be brought to a close. Accordingly it was decided to leave the matter to a board of umpires. Hardin selected Judge G. P. Koerner while Baker's selection was Captain Wall, quartermaster in the United States army. These two selected Governor Ford as the third member. Both Captain Wall and Judge Koerner considered Hardin's claim better than Baker's, and rendered decision in favor of the former, in spite of the fact that the officers of Baker's regiment had signed a

¹ *Adjutant-General's Reports*, IX., xxvi.

² Davidson and Stuvé, *History of Illinois*, 1673-1884, 526, make the statement that these captains brought in a verdict in favor of Colonel Hardin, quoting as authority the *State Register*, July 10, 1846. The *Register* of this issue says merely that it had been rumored that such a verdict had been rendered. It corrects the report in the next issue. See *Sangamo Journal*, July 16, 1846; *Alton Telegraph*, July 11, 1846.

statement in which they declared that they would not acknowledge the superiority of Colonel Hardin.¹ Fortunately for Ford, he was not compelled to register his opinion because it had been agreed by the principals in the dispute that any two could make the decision binding.

In connection with the organization and equipment of the volunteers, the governor was necessarily called away from his office at Springfield. To facilitate the acceptance of companies, he made arrangements with his private secretary to acknowledge the offer of troops. While traveling about the state, Ford accepted several companies without being able to consult his secretary. In this way more than thirty companies were legally accepted before the mistake was discovered and there was nothing to do but to reject the companies that had been accepted last.

The counties from which four such rejected companies were recruited resented the governor's action with bitter denunciation. Captain Aiken of Benton wrote a letter for the press in which he denounced the governor in no uncertain language.² Captain Archer's company from Clark County marched to Alton only to be rejected. The captain retaliated by charging that Ford had swindled his organization out of service.³ When the news of the rejection of Archer's company reached Marshall, a public indignation meeting was held at which Governor Ford was denounced in the harshest terms.⁴ A company from Vermilion and one from Morgan County had to be rejected as well. The *Morgan Journal* charged Ford with selecting only those companies whose votes he could influence in the selection of

¹ *St. Louis Republican*, July 18, 1846.

² Aiken's letter is dated June 30, and may be found in *State Register*, July 10, 1846.

³ *Saugamo Journal*, July 9, 1846.

⁴ *State Register*, July 17, 1846

officers,¹ while the *Danville Patriot* was at a loss for words to express its contempt for the governor.²

These incidents had no effect on the war. They merely portray the state and her people, and show the perplexing problems that the governor was called upon to solve, but not without exposing himself to severe criticism.

In due time the regiments departed for the front, where the real test of bravery and patriotism could be made. The First and Second regiments were transported separately down the Mississippi and across the Gulf. About August 1, 1846, they were reunited at Camp Erwin. After marching hundreds of miles they found themselves under the command of General Taylor. On February 22-23, 1847, they participated with distinction in the battle of Buena Vista. The joy of their success was marred, however, by the loss of Colonel Hardin, who fell on the last day of the fight. Neither regiment took part in any other important engagement, and both were mustered out June 17, 1847, at Camargo, Mexico.³

The Third and Fourth regiments were likewise brigaded together. They took part in the attack on Vera Cruz, March 11, 1847. On April 18, the two regiments fought with distinction in the Battle of Cerro Gordo, for which they were highly praised by Generals Scott and Twiggs. Shortly afterward the troops were transported to New Orleans, where they were mustered out of service May 25, 1847.⁴

On April 19, 1847, the secretary of war made a requisition for six thousand more volunteers with which to fill the places of those whose terms were about to expire. But one regiment was assigned to Illinois. It is technically

¹ *Sangamo Journal*, June 25, 1846.

² *Ibid.*, July 9, 1846.

³ *Adjutant-General's Reports*, IX., xxvii.

⁴ *Ibid.*, xxviii-xxx.

known as the First Regiment for the War, but is usually called the Fifth Regiment.¹ This regiment was organized June 8, 1847, with E. W. B. Newby as colonel. Four days later it left for Fort Leavenworth, from which place it marched to El Paso in the fall of 1847. After an uneventful service of more than a year, it was mustered out at Alton, October 14, 1848.²

The response to the call for this regiment was so great that influential men of the state prevailed upon the War Department to allow Illinois still another regiment. The request was granted, and the Second Regiment for the War was the result. It was organized at Alton, August 3, 1847, with J. Collins as colonel. The regiment was divided, part going to Vera Cruz, the remaining to Tampico. None of the companies were engaged in actual warfare and they were mustered out of the service of the United States at Alton, July 20-25, 1848.³

Besides the six infantry regiments heretofore mentioned, the state furnished four independent companies of cavalry for the volunteer service, and three companies of infantry for the regular army.⁴

VIII. AN ESTIMATE OF GOVERNOR FORD AND HIS HISTORY OF ILLINOIS

During Ford's administration as governor of Illinois there was a marked improvement in the social and economic condition of the people, accompanied by a partial restora-

¹ Note error in Davidson and Stuvé, *History of Illinois, 1673-1884*, 541, n. If they had examined the newspapers more carefully, the authors would have found that some of the papers, at least, discovered their own mistakes and made suitable corrections. See *State Register*, July 8, 1847; June 9, 1848.

² *Adjutant-General's Reports*, IX., xxx.

³ *Ibid.*, xxxi.

⁴ *Ibid.*, xxxii-xciv.

tion of the state's credit.¹ The dissolution of the relation between the banks and the state extinguished an apparent liability of more than three million dollars,² besides taking away from these institutions a support detrimental to the best interests of the people. The new canal arrangement provided for five millions more. The domestic debt was reduced to a nominal sum, with bright prospects of its speedy elimination, and auditor's warrants were at par.³ Despite these demands upon the people, a part of the interest charges on the great debt was being met, with every indication of a constant increase as property values rose.⁴ The circulating medium became adequate, as specie and bills of solvent banks without the state found their way in through the channels of trade, or were brought in by the steady flow of immigrants from the older states and Europe.⁵ Better than all these signs of material prosperity was the fact that the state in her darkest hour refused to repudiate her debts and so maintained her honor unimpaired.

As chief executive Ford exercised considerable influence over the people of the state, an influence known now to have been far greater than was thought at the time. His policies were far-reaching and demanded a longer time for their consummation than his critics would allow. His premature death prevented his seeing the beneficial results of a public financial system, embracing revenues adequate not only for paying ordinary running expenses of the state

¹ For a discussion of the state's credit see *ante*, xxxviii-xi.

² Strictly speaking this was not a liability, for the state held an equal amount of bank stock, the market value of which was greater than the state bonds in question (*ante*, xli.).

³ In 1842 the domestic debt was \$313,000, and auditor's warrants were as low as 50 (see *post*, 45). In 1846 this debt had been reduced to \$31,000 with several thousand dollars in the treasury

⁴ The total value of property in 1843 was \$72,416,800; in 1847, \$92,206,493.96 (*Auditor's Report*, December 1, 1850).

⁵ Population of Illinois: 1840 (government census), 476,183; 1845 (state census), 662,150.

and interest on the public debt, but also for completely extinguishing the debt itself. Had he lived the proverbial three score and ten years, he would have seen a state whose influence and wealth exceeded his fondest hope, a state in which his services would have been valued at their true worth and rewarded accordingly. As it was, he saw in operation practically every measure that he had advocated and initiated during his administration.

In his valedictory message in December, 1846, Governor Ford expressed pleasure in the privilege of retiring to private life. This declaration was consistent with his utterances during the preceding year, for he had said on several occasions that he had no desire to be elected in the future to any office whatever. In his *History of Illinois* he later expressed the wish that his critics might have the opportunity of being placed in the position recently occupied by himself. Ford was very sensitive to criticism of his official actions, especially those received during the Mormon imbroglio. The wounds inflicted during the conflict were deep and healed very slowly on account of his peculiar temperament. He knew that he had pleased neither party, and the indifference of the people in sections remote from the trouble angered him unduly. Trained to the law, he was unable to understand how any good citizen could condone the illegal acts of the anti-Mormon faction in Hancock County.

Ford's whole life had unfitted him for success as a politician, for, being unacquainted with politics and political methods, he took the opposition too seriously. He forgot, if indeed he had ever known, that the acts of a governor are often condemned by the opposition press and party leaders for political purposes only. Had he but used the opportunities that came to him as the highest officer in the state, many misunderstandings with the leaders of both

parties could have been avoided. Even if he could not have brought himself to see as his political friends thought he ought, he might have prevented the alienation of many of the most influential men of the time by freely granting to them the right of having decided opinions quite opposite to his own.

When Governor Ford died in 1850, he left as a legacy to his destitute children a manuscript *History of Illinois*, in which he described events and characterized people as he understood them. Despite its errors both in judgment and in fact, it stands as a remarkably accurate contemporaneous account of an important period of the state's history, and its excellence is attested by its continued use as a historical source since its publication in 1854.¹ Criticism of the book may be grouped under two heads. First, many of Ford's characterizations of public men are overdrawn and unfair, being influenced without doubt by personal animosities. Second, he did not have all his data at hand and as a result was compelled to rely upon his memory, which oftentimes failed him. Many of his shortcomings may be attributed, however, to his ill health during the greater part of the time in which the book was being written. Whatever its faults, it is a valuable contribution to Illinois history, and worthy the emulation of public men of every age.²

Throughout the book, Ford often mentions the two leading opposition papers, the *Sangamo Journal* and the *Alton Telegraph*.³ The editor of the latter paper was George T. M. Davis, whom Ford considered to be not only a political

¹ Dr. Snyder in his admirable biography, *Adam W. Snyder in Illinois History*, justly criticizes Davidson and Stuvé for following Ford slavishly for the period of May and June, 1842. Had he had occasion, he could have criticized not only these authors but many others as well for the same offense and for the entire period of 1842-46.

² It would be a substantial contribution to the history of this period to reprint Ford's *History of Illinois* with footnotes, index, and necessary corrections.

³ During this period this paper was called *Alton Telegraph and Democratic Review*. For convenience it is designated in this sketch as *Alton Telegraph*.

opponent but a personal enemy as well. It is true that Mr. Davis was a radical Whig, who hated anything and everything Democratic, but it is equally true that in the forties men and not measures were likely to be the issues at stake. Editors gave personal abuse and in return expected nothing else. While the *Telegraph* delighted to talk about "Tom" Ford and his shortcomings, anyone can see by a close perusal of the paper that this was nothing more than a party shibboleth. In times of danger, when the interests of the state were in jeopardy, Mr. Davis and his paper supported the governor as much as party affiliations would allow.

While the columns of the *Sangamo Journal* were fairly free from personal comment regarding Ford, no one may say that it was not ultra-Whig in its utterances. It had everything to gain by a change of administration and its business as a consequence was to ferret out all kinds of abuses and to expose them. Nevertheless in commenting on Ford's inaugural address, the *Sangamo Journal* said: "Governor Ford has entered upon his duties with a determination, in all his official acts, to do what he believes to be best to subserve the interests of the people who have placed him in the executive chair . . . ; in a word, we have no desire or reason to complain of this address."¹ When the governor's taxation measure was before the legislature, neither paper could indorse it, for it was a well-defined party issue supported by the Democrats. The same may be said about canal legislation, for the successful completion of this enterprise depended to a considerable extent upon the willingness of the legislature to pay interest, to be secured only by increased taxation. Under these circumstances the Whig press could not support a Democratic governor, and he ought not to have expected

¹ Issue of December 15, 1842.

it. Instead, however, of heaping abuse upon the governor, as was the prevalent custom of the time, both papers refrained from indulging in personalities, crediting him with integrity and honesty of purpose, even if deluded and misled by friends of the canal.

The Mormon trouble gave the Whig press an opportunity to show its appreciation of the governor's efforts to keep the law supreme. Mr. Davis was at Carthage when the Smiths were murdered. Being an anti-Mormon partisan and in a critical attitude of mind, any favorable public expression from him speaks volumes. In a letter to the *Alton Telegraph*, written June 26, 1844, he states emphatically that Ford was "doing all in his power to maintain the supremacy of the law."¹ The next day he reiterates this statement in another letter to the same paper.

Another spectator of this curious drama was the editor of the *St. Louis Republican*. This paper had taken occasion several times before to assail the governor so fiercely that state pride compelled the *Sangamo Journal* and the *State Register* to discontinue their own strife in order to use their columns for his defense.² In a communication to his paper this same editor, after acknowledging that he had come to Hancock County in a critical attitude of mind and "had scrutinized with rigor the course of Governor Ford," said: "In this instance his course has been such as to merit the approbation of all the citizens of this state and to draw to his aid the hearty co-operation of every law-abiding citizen of Illinois. His whole aim has been to maintain the supremacy of the law; and although the very reverse of him in politics, he has received and will receive in all similar instances my feeble influence in his favor."³

¹ *Alton Telegraph*, July 6, 1844.

² *Sangamo Journal*, February 29, 1844.

³ *Niles' National Register* July 20, 1844.

The criticism hurled at Governor Ford by the Mormons and their enemies was but natural, yet it could have been lessened had he been more discreet in his utterances. Instead of using conciliatory methods, which must have been possible, he persisted in calling the combatants' attention to the strictures of the law. His reserve toward the anti-Mormons, both before and after the murder, prevented any kind of an amicable understanding with them, and his bold address at Nauvoo led the Mormons to believe that the state executive was a hostile partisan.¹ Instead of making allowances for religious fanaticism on the one hand and undying hatred on the other, he saw only that both parties were lawbreakers, and treated them accordingly.

Throughout the remainder of Ford's administration, conditions in Hancock County bordered on anarchy, with the result that the authority of the state was in almost constant conflict with the lawless element in each faction. Especially was this true when, in 1846, the governor led a body of militia into the disturbed region to prevent a second pitched battle between the citizens of Nauvoo and their enemies. Commenting upon the situation at that time and the treatment accorded Ford, the *Sangamo Journal* said: "He has had, in truth, a most troublesome time while administering the government, enough to vex any man, more particularly one of his temperament."² To my mind this statement is significant in studying the life of Governor Ford. His peculiar temperament was the cause of many of his troubles, both imaginary and real; a nature as sensitive as his unfitted him for participation in the strife into which his election as governor threw him. But it cannot be said

¹ Ford addressed the Mormons at Nauvoo on the afternoon of June 27, 1844. He told them plainly that they had broken the laws and that their conduct had brought about the difficulty (*ante*, xcv.; *Alton Telegraph*, July 6, 1844).

² Issue of November 26, 1846.

that he avoided this strife. Rather did he seek it. Instead of reconciling himself in a degree to his surroundings, becoming an opportunist as we say now, instead of using the methods of his adversaries in legislative battles, instead of turning a deaf ear to the many little personal slights that were offered, he was inclined to idealize unduly, to spurn political expedencies, and to take to heart every word of criticism no matter whence it came.

In reviewing Ford's last message to the legislature, in which he set forth his reasons for leading a force into Hancock County, the *Alton Telegraph* said: "It professes to record the principal events which have taken place in Hancock County since the fall of 1845, including the author's late expedition; and although, from the position he occupied during the trouble of which he speaks, it is quite possible that he may have been misinformed in some particular and perhaps also misled by his own feeling, his statement nevertheless seems pretty fair and impartial. It is, at any rate, probably as correct an account of the scenes it describes as the public are likely to obtain; and as a history of the times, it is worthy of preservation."¹

By keeping these views clearly in mind, one is led to believe that the invectives hurled against Ford by the more radical Mormons and their enemies must fall harmlessly to the ground. Although both editors recognized the opportunity to make political capital out of the ill feeling toward the governor in western Illinois, neither did it, much to Ford's credit and their own honor. We have seen already that the creditors of the state looked to Ford as the one from whom they could expect just and fair treatment, the one who would lead the opposition to repudiation. Subsequent events justified their judgment, for the gover-

¹ Issue of December 18, 1846.

nor never once wavered in his determination to teach the people of the state the necessity of paying every dollar of the great debt.

Some of his contemporaries in public life have given him high praise. "Ford possessed many of the high and noble traits of character that constitute an eminent man."¹ More than this he had a character so "firm and open" that even his bitterest enemies must have admired him. Not only was his mind strong, but his "intellect was clear and discriminating." Despite the affront offered at Nauvoo in 1846, implying cowardice on his part,² "his firmness, moral and physical courage, were never doubted by those who knew him."

In 1846 Governor Ford retired with his family to the Hambaugh farm near Versailles where he spent the next three years in writing his *History of Illinois*. Hoping to mend both health and fortune, he moved to Peoria in 1849, where he practiced law for a short time, but on account of poor health his practice was not remunerative and he became poorer as time went on. As yet his work remained unpublished.³ While on his death bed, he placed the manuscript in the hands of General James Shields with the request that it should be published for the benefit of his family, whom he was compelled to leave in destitute circumstances.⁴ Thus on November 3, 1850, died in poverty a man who once occu-

¹ The extracts in this paragraph are taken from Governor John Reynolds' *Pioneer History of Illinois*, 317-18.

² A delegation of women offered the affront by sending the governor a petticoat which they intended as an insinuation of his lack of manly courage.

³ Snyder, *Journal of State Historical Society* (Illinois), July, 1910.

⁴ Ford, *History of Illinois*, Introduction. The *Peoria Press* said, in commenting on Ford's death, that after having held public position for twenty-five years, he died so poor that "his last days, but for the kindness and charity of his friends, must have been spent without the ordinary necessities or comforts of life," and that his children, five in number, were separated and dependent upon charity. The *Alton Telegraph* adds "This statement, sad as it is, speaks well for the official integrity of the deceased."—Issue of November 15, 1850.

pied a position which he could easily have used for his own financial advantage with little danger of exposure, but who preferred to leave to his motherless children a greater heritage, a public record untarnished before all the world.

GOVERNORS' LETTER-BOOKS

1840-1853

REGISTER OF OFFICIAL LETTERS
VOLUME IV

CHAPTER I

EXECUTIVE LETTER-BOOK OF THOMAS CARLIN, 1840-41

QUINCY, ILLINOIS, Feb. 18th, 1840

DEAR SIR:¹ Yours of the 28th Ultimo come to hand yesterday enclosing a draft in my favor of \$1500 upon the State Bank of Illinois, for the use of the Canal. It would have afforded me pleasure to have complied with your request by laying your letter before the Legislature had it been recieved [*sic*] before the adjournment. A resolution passed the House of Representatives declaring (as I was informed) that no law of Illinois authorized the sale of State Bonds at 91 to the 1.00 in Europe or else where, and requiring the Secy of State to communicate said Resolution to Mess Wright & Co of London demanding a return of the 1,000,000 of Bonds placed by you in the hands of said Wright & Co.,² This resolution however did not pass the Senate but all Legislative action during the session most decidedly disapproved all negotiations made last year both of the Canal and Internal Improvement: I could not consent to assume the responsibility of approving and ratifying your contract with Messers Wright & Co. after the many strong expressions of disapprobation by the Legislature. I would therefore advise cancelling the contract and a surrender and a return of the Bonds by Mr. Wright. The friends of the Canal themselves did not seem to desire its consummation on the ground that no reliance could be placed upon it to furnish funds for the use of the Canal as all seemed to depend upon the sale of the Bonds by Mr. Wright. I think I advised you in my last, that an act had passed allowing five dollars pr day (only) as compensation and expenses for the service of all agents of the State employed in the negotiation or transportation except in cases of specific contracts by which I had agreed to allow a larger compensation³—this act I consider oppression as the compensation allowed by it will fall greatly short of paying the travling expenses of the agents while in the service of the State. We shall not be envied for our patriotism when it shall be known

¹ Richard M. Young. Same letter in *Illinois Reports*, 1840-41, 363-64.

² *House Journal*, 1839-40, 91.

³ *Laws of Illinois*, 1839-40, 80.

that we refuse to compensate individuals for public services rendered by them in accordance with law, or even to allow them a sufficient sum to cover their expenses. The amount retained by you being only equal to your expenses while actually engaged as agent of the State—all notion of Justice and equity would seem to forbid the restoration or repayment of any part of it, but the compensation allowed you by the recent act of the Legislature will not probably cover half that amount; being fully satisfied that the public good seldom or never requires private sacrifice, I think I hazard little in saying that the next Legislature will make an allowance more proportioned to the importance of the service in which you were engaged, and as a return of the whole amount expended by you while on your tour from this place to Europe and back again must seriously effect your private means, I cannot [see] any impropriety in with holding it until after the meeting of the next Legislature and if proper compensation is not then allowed you can then refund the money.

An act was passed at the last session allowing the board of Canal Commissioners to issue scrip¹ to meet the liabilities of the Canal up to the first of March next after which time the contractors proposes [sic] to recieve [sic] State Bonds at par until funds can be procured, this plan I object to, as it will tend to reduce the value of the Bonds and compel the contractors to sell them at any price they will command, but a portion of the contractors alledge [sic] that they cannot abandon the work and it would appear unjust to refuse the payments of the estimates due them in Bonds at par,—An act passed authorizing the issueing [sic] of Bonds and the sale of them for Canal purposes, the interest of which are payable semmi[sic]-annually, if it is possible, I hope you will effect a sale in the United States of \$1,000,000, but the contract must be complete par at the place & in the currency where the contract is made. I am thus particular in order to avoid future sencure [sic] which must and will always follow disappointment and failure. I am as clearly convinced that the Canal project will fail as I am of the utter failure of the Internal Improvement System.² The State of Illinois is unable to complete either & nothing can save the Canal, unless the General Gov-

¹ *Laws of Illinois*, 1839-40, 80. Minimum amount in each case was \$100.

² The original plans formulated by the General Assembly in 1837 contemplated the expenditure of more than \$10,000,000 on internal improvement exclusive of canals. By February, 1840, more than \$5,000,000 had been spent with little if anything substantial to show for it (*House Journal*, 1839-40, 14-17; *ante*, li, n. 2).

ernment contributes the means of prosecuting the work, which I presume will be very tardily and slowly [*sic*], if ever done. I have been heretofore induced to believe that the Lands which have been donated by Congress would go a great length towards the completion of that work, this opinion I had formed upon the reports & assertions of its friends, but since the recommendation in my message of throwing the Canal upon its own resources, I find those gentlemen have no faith in being able to realise any considerable sum from that quarter I am also fully persuaded that its construction will cost nearly double the original amount estimated, but should it cost only \$10,000,000 it must yield a net revenue [*sic*] of \$6000 per mile annually to pay the interest of its cost—Can it be possible that business to such vast amount can concentrate in that quarter within the next century. My own opinion is that its greatest utility is to be viewed in a national point of view.

I hope you will be found acting in support of the policy set forth in Col Bentons Resolutions.¹ Were I in congress I would oppose any measure that would directly or indirectly tend to the assumption of the State debts by the General Government but I doubt not that terrible efforts will be made to effect that object by the States which have [been] recklessly overwhelming themselves with debt should congress adopt that policy we may then bid adieu [*sic*] to indipendance [*sic*] and liberty—if the states rush into folly and extravagance upon their own responsibility—what bounds could be set for them when the responsibility would be thrown upon the whole country. Adopt that policy, and this government within a few years will be immerced [*sic*] in a public debt, surpassing that of any other nation on the Globe, for my country I fear that this policy will be adopted, it accords with the federal doctrine and the measure will act as a bribe upon the indebted States more immediately than the distribution of the surplus revenue did in 1836. I fear that many will be found advocating that policy [with] a view of extricating their own immediate State from ruin and disgrace and thus contribute in overwhelming the whole country in slavery. The States which have madley [*sic*] rushed into folly and ruin, never will nor never can extricate themselves unless the burthen is thrown upon the general government.

It seems now to be dobted [*sic*] whether posterity will pay the debts

¹ "Resolved, That there is nothing in the Constitution of the United States which can authorize the Legislative Power of the Union to assume the debts of the States, which have been contracted for local objects and State purposes."—*Congressional Record, First Session, Twenty-sixth Congress*, 47. At this time Mr. Young was a senator and Mr. Reynolds a representative in the Congress of the United States.

which the present generation are intailing [sic] upon them—long ere this generation shall pass away those doubts will be solved by the contractors themselves refusing to pay the accruing [sic] interest upon those debts.

However humilliating [sic] and degrading this state of things may be to the states involved in it—Yet it is infinitely prefferable [sic] to plunging the whole country into that vortex of folly, extravagance and ruin to which the assumption of the State debts must evidently lead. I must repeat were I in Congress I would vote against any and every measure tending that way, were it even to save Illinois herself. Should the government assume the debts of Illinois must she not assume the debts of all other States and of course contribute a like amount to those states not indebted, and the whole country become overwhelmed and enslaved. I shall not be [de]cieved [sic] if a crisis is at hand when the patriotism of our Legislators will be tried—I would feign hope that they may be found equal to the magnatude [sic] of the task—but if the members of Congress upon this subject should be influenced, and controlled by selfish motives and the dellegation [sic] from the indebted states should combine they will be able to force the policy upon the residue—and involve the country in an accumilating [sic] debt which can only end in disunion and revolution.

QUINCY, ILLINOIS, March 12th, 1840

HON. R. M. YOUNG¹
& JOHN REYNOLDS²

GENTLEMEN: A committee of contractors upon the Illinois & Michigan Canal have visited me and proposed to recieve [sic] their estimates as they become due from time to time in State Bonds, provided money cannot be procured to pay those estimates, I am exceedingly unwilling

¹ Richard M. Young born 1796, in Kentucky; studied law; removed to Jonesboro, Illinois, where he was admitted to the bar, September 28, 1817; 1820-22, represented Union County in General Assembly; January 19, 1825—January 12, 1827, judge of Third Circuit; 1828, Democratic presidential elector; January 23, 1829—January 2, 1837, judge of Fifth Circuit; 1837-43, United States senator; 1839, appointed agent to negotiate the sale of state bonds, in which capacity he accompanied John Reynolds to Europe; February 4, 1843—January 25, 1847, justice of the Supreme Court of Illinois; 1847, appointed commissioner of the General Land Office at Washington, D.C.; 1850-51, clerk of the national House of Representatives; died in an asylum in Washington, 1853 (Appletons' *Cyclopaedia of American Biography*, 1899; *Blue Book of Illinois*, 1905).

² John Reynolds: born February 26, 1788, in Montgomery County, Pennsylvania; 1800, emigrated to Kaskaskia, Illinois; 1807, removed to Goshen; 1809-11, attended

to pay them in Bonds, but it would seem to be very hard treatment to refuse to do so, as such refusal would compel them to abandon their contracts, and would absolutely bankrupt and ruin a great portion of the contractors, they further propose in case Bonds are paid to them at par, to place said Bonds in the hands of an agent to sell for them in the east in large parcels so as to prevent them being hawked about in small quantities to the injury of the credit of the State. They further propose and request, (with a view of providing certain assurance of money) me to place in the hands of the Canal Comms Bonds equal to the probable amount of work to be done during the season from the first of March instant, altogether about \$1,200,000—with instructions to sell the same at discretion, On such terms Only however as shall secure their legal par value to the State, and the proceeds of such sale or sales to apply to the current expenses of the Canal. Believing it to be a duty devolving upon me to strictly preserve the good faith of the State towards her creditors, I have consented to the foregoing propositions, but to avoid any difficulty [*sic*] that may possibly grow out of such proceeding, I have to request of you and Judge Reynolds to use your utmost exertions to make a sale of Bonds in some of the Eastern Banks to the amount of \$1,200,000, payable in instalments of \$20,000 on the first of May, July, Sept, Nov &, but if possible procure \$500,000 on the first of May, as the debts on the Canal for which scrip has been issued prior to the first of March instant is probably near \$300,000.

I think I informed you in one of my preceeding letters that the Legislature passed a law, providing for the payment of interest on loans for Canal purposes semi annually. The contractors express great anxiety

college at Knoxville, Tennessee; 1812-13, served as scout against Indians, at which time he earned the title, "Old Ranger"; 1814, established law office at Cahokia; August 22, 1815, appointed judge advocate of the Second Regiment; 1817, married Mrs. Catherine Manegle (née Dubuque); October 8, 1818—January 19, 1825, justice of Supreme Court of Illinois; 1823, unsuccessful candidate for United States Senate; 1824, unsuccessful candidate for state representative; 1826-30, represented St. Clair County in General Assembly; December 6, 1830—November 17, 1834, governor of Illinois; 1834-37, congressional representative; May, 1836, married Sarah Wilson at Georgetown, D.C.; 1839-43, congressional representative; 1846-48, represented St. Clair County in General Assembly; 1848, unsuccessful candidate for state senator; 1853-55, represented St. Clair County in the Lower House of the General Assembly, serving as speaker of that body; 1858, Buchanan candidate for the office of Superintendent of Public Instruction; 1860, delegate to Democratic national convention; edited daily paper at Belleville called the *Eagle*; ardent champion of slavery; sympathized with th South during war; among his published works are: *Pioneer History of Illinois*, 1852; *Adventures of John Kelly*, 1853; *Sketches*, 1854; *My Own Times*, 1855; *The School Advocate*, 1856; *Friendship's Offering*, 1858; *The Balm of Gilead*, 1860; May 8, 1865, died at Belleville, where he is buried in Walnut Hill Cemetery (Moses, *Illinois Historical and Statistical*, 1892; *Blue Book of Illinois*, 1905; *Illinois Historical Collection*, IV., 5).

to secure your contract with Wright & Co. but I informed them I had advised you to cause the contract to be cancelled [*sic*] and the Bonds with drawn which I presume you will have done before this reaches you. I cannot however approve that Contract as the last Legislature were altogether opposed to it but notwithstanding believe it is better on the score of expediency than can be done elsewhere and would therefore be glad if the Contractors could avail of it, but on reflection I cannot see how it is possible, unless they should first avail them selves of the Bonds, and enter into a contract through an agent of their own, please write me what the present prospects are in relation to the sale of Bonds in the Eastern Cities.

The act of the last session allowing five dollars per day to agents employed to negotiate loans I am inclined to construe differently since I wrote you, the act allows five dollars pr day where no specific bargain was made by me, in the case with each of you I made a specific bargain that you were to be furnished a sufficient sum to bear your expenses and were to submit to such allowance as the Legislature might agree upon as compensation for your services, the Legislature surely ment [*sic*] to pay you five dollars per day over and above your expenses, at all events I feel free to do so under the authority of that act, and shall therefore autheriz [*sic*] each of you to make an account of your expenses, while engaged in that service, as well as the number of days employed and forward it to me, and I will direct all arrears to be paid to you out of the Canal fund.

My opinion as to the ability of the State under existing circumstances to complete the Canal has not changed. If we were all willing we could do any thing, but distracted as the people of the State are at present in relation to internal Improvements, [it] is not more than probable that the Canal will share the fate of the internal improvement at the next Session, and I now venture the assertion that no earthly Power can save the latter from annihilation.

An act passed the last Session requiring the Canal Comr. to sell as much of the Canal Lands as were necessary to pay the interest on Canal debts, which I suppose is the only legitimate source from whence the interest is to be derived.¹

P. S. Two drafts of \$16,000 each drawn by me upon the *Onondagua*²

¹ *Laws of Illinois*, 1839-40, 79.

² This should be Atlantic Bank, New York (see Governor Carlin's letter in *House Journal*, 1839-40, 20).

Bank being the two first instalments due on account of a loan or negotiation made by Gov. Reynolds & Gen. Rawlings with the Poughkeepsie Locomotive fire Engine Co. for \$128,000, have been protested by said Bank—this Loan had been transferred to the Bank of Illinois and that Bank has made advances to the amount of \$80,000 which has been expended upon the State House, this subject I refered [sic] to the Last Legislature and recommended [sic] the indemnity of the Bank of Illinois but no action was had in [re]ference to it. I presume the company will not pay for the Bonds, but was informed by the Cashier of the Bank of Illinois that they expressed a desire to return the Bonds, which I suppose had better be acceded to—but as the instalments were transferred to the Bank of Illinois, it may be proper to secure the consent of that Bank to arrangement, particularly as the State is not in possession of funds to indemnify that Bank at this present time for the advance it has made: I have to request Gov. Reynolds to ascertain whether there is any certainty of getting the money from said Company, and if not to recover the Bonds if possible, in that event the Company ought to pay for engraving the Bonds.

In case that negotiation is cancelled I wish you to sell that amount of Bonds to enable the State to complete the State House as contemplated by the law authorizing [sic] the Loan. I will write to the Bank of Illinois to advise you of their consent to cancelling the contract. If any negotiation is made by you for canal purposes please advise the Canal Comr. immediately.

With great esteem

Your friend

Signed

THO. CARLIN

QUINCY ILLINOIS March 16. 1840

RICHARD F. BARRETT ESQ.¹

Fund Commissioner

SIR: Having been informed by Levi Davis² Esq. Audr. Pub. Accounts that you were expecting to leave for New York in a short time for the purpose of negotiating State Bonds &c. The second instalment due

¹ Richard F. Barrett: 1839, appointed fund commissioner; October 7, 1839, appointed member of Whig state central committee (Moses, *Illinois Historical and Statistical*, 1892).

² Levi Davis: born July 20, 1808, in Cecil County, Maryland; attended Newark Academy; 1828, graduated from Jefferson College, Canonsburg, Pennsylvania; 1830,

from the Poughkeepsie Locomotive fire Engine Company has been protested by the Onandgua [sic] Bank,¹ and presuming that the Company will not pay for the Bonds amounting to \$128-000 sold to them by Gov. Reynolds & Gen Rawlings. I have written to Gov. Reynolds to ascertain whether the money could be collected or not, and in case it could not be [to] cancel the contract provided he could recover the Bonds, and in that event to endeavour to effect a sale of Bonds to that amount for the benefit of the State House, also to sell Bonds to the amount of \$1,000,000 for Canal purposes, as the prospect of the sale of State Bonds is unfavourable [sic].

I have to request you to avail yourself of any opportunity [sic] that may present itself for the sale of \$128,000 State Bonds for the above purpose: Consulting Gov. Reynolds, however, before any such contract is closed by you, lest he should have also made a sale for the same purpose. As the Bank of Illinois has advanced some \$80,000 on the faith of receiving instalments on the loan of \$128,000 as they become due.

I have thought it best to obtain the consent of that Bank, as to the propriety of cancelling the contract and to advise Gov. Reynolds of such consent in case it was given.

The last Legislature passed a law providing for the payment of the accruing interest upon Canal Bonds hereafter sold semi annually [sic] and in case you should affect a sale it must accord with Law.

Please procure a copy of the Act of 1839 & 1840 authorizing [sic] loans for Canal purposes, as well as a Copy of the Act of 1839 authorizing [sic] a loan for Revinue [sic] purposes (intended however to be applied to the Erection of a State House) please write me informing me at what time you expect to realize funds to pay up the arrears due on account of the Internal Improvement or any portion of it.

licensed at Baltimore to practice law; 1831, opened law office at Vandalia, Illinois; November 16, 1835, appointed auditor of public accounts by Governor Duncan; 1837, elected to same office by legislature; 1839, re-elected, holding office until March 4, 1841; took active part in Black Hawk War; 1846, removed to Alton; practiced law; railroad attorney and director; died March 3, 1897, at Alton (Palmer, *Bench and Bar of Illinois*; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1900; *Blue Book of Illinois*, 1905; Julia Buckmaster, Alton, Illinois, private letter to editor)

¹ See n. 2, p 10.

QUINCY ILLINOIS April 4th 1840

JOHN SIDDALL ESQR.

Cashr B. Ills

SIR: Some time since I recieved [sic] notice that the second draft drawn by me payable to your order at the Atlantic Bank in the City of N. Y. on the Poughkeepie [sic] Locomotive Engine Company for the Loan of \$10,000 dated January 13, 1840, was protested for non Payment.

I immediately advised the Hon. John Reynolds thereof and requested him to ascertain as to the probable certainty the money from said Company and in case the money could not be made to endeavor to recover the State Bonds sold by him to said Company, and to use all possible exertion to make a sale of Bonds to the amount of \$128,000. to supply the deficit occasioned by the failure of said Company.

By agreement the instalments arising from above transaction as they become due they were refered [sic] to the Bank of Illinois it may therefore be proper to obtain your consent before cancelling the contract, Will you be so good as to advise Gov. Reynolds at Washington City.

Very Respectfully &.

Signed

THO. CARLIN¹

EXECUTIVE DEPARTMENT Apl. 30. 1840

MESSERS RICHARD M. YOUNG

AND JOHN REYNOLDS AGENTS

GENTLEMEN: You will please deliver to General William F. Thornton, president of the Board of Commissioners of the Illinois & Michigan Canal,—*Eleven hundred* Bonds or certificates of "*Illinois & Michigan Canal Stocks*" of Two Hundred & Twenty five Pounds Sterling Each, and take his duplicate reciepts [sic] for the same.

¹ Thomas Carlin: born July 18, 1789, in Fayette County, Kentucky; 1793, moved with parents to Shelby County, Kentucky; 1803, family emigrated to St. Louis County, Missouri; 1803, father died leaving widow and seven children—Thomas the oldest; education deficient; 1812, removed to Illinois; June 3, 1812, enlisted in United States army as a private; in campaign to Lake Peoria under Governor Edwards; 1813, served under General Howard in district between Illinois and Mississippi rivers; 1818, removed to Greene County; Carrollton laid out on his land; city of Carlinville named in his honor; 1824–32, state senator; 1832, captain of spies in Black Hawk War; 1834–38, register of land office at Quincy; December 7, 1838—December 8, 1842, governor of Illinois; 1849–51, representative in General Assembly; died at Carrollton, February 14, 1852; in politics a Democrat (Reynolds, *Pioneer History of Illinois*; *Blue Book of Illinois*, 1905; *National Cyclopaedia of American Biography*). The dates in Governor Reynolds' account differ considerably from those found in *Blue Book of Illinois*, 1903, 213.

Should you have deposited Bonds in any Bank to the order of the Canal Commissioners, agreeable to my previous instructions, You will please inform said Bank that Genl. Thornton to reciev [sic] and reciept [sic] for the amount named in behalf of the Board of commissioners of said canal

Respectfully
Your Obt. Sevt.

EXECUTIVE DEPARTMENT April 30th. 1840

GENERAL WILLIAM F. THORNTON¹

SIR: Having autherized [sic] the Board of Commissioners of the Illinois and Michigan Canal to sell Bonds or "Certificates of Illinois & Michigan Canal Stock" Amounting to million of dollars, to the Contractors on said Canal, of whom you have been appointed the agent, with the approbation of said Board and of Myself; and having this day given you a commission to sell additional Bonds to the amount of half a Million of dollars, on account of the Canal Fund.

I hereby authorize [sic] you to make your Sales in all cases, when the interest of the state in your opinion may require it, with the condition that the present Bonds may be hereafter substituted by others of any form or size most desirable to the purchaser and with Semi Annual instead of Annual payments of interest.

I have autherized [sic] Messr. Young & Reynolds to carry into effect their contract with Messers Wright & Co. of London for the sale of Bonds to the amount of a Million of Dollars, provided Messers Wright & Co. will guarranty [sic] the proceeds to be available during the present year, and in that event it is my wish that you diminish your sales, as well for the Contractors as for the Canal Fund, by the same amount that

¹ William Fitzhugh Thornton: born October 4, 1789, in Hanover County, Virginia; 1806, removed to Alexandria County, Virginia, where he conducted a drug store; associate editor, *The Alexandria Gazette*; published paper in Washington, D.C., in interest of J. Q. Adams' candidacy for the presidency; captain of cavalry in War of 1812; accompanied LaFayette from Baltimore to Richmond; 1829, removed to Kentucky; 1833, removed to Shelbyville, Illinois, where he engaged in mercantile and banking business; 1836, appointed commissioner of the Illinois and Michigan Canal; 1838-40, represented Shelby County in General Assembly; 1839, appointed president of acting commissioners of Illinois and Michigan Canal; 1840, visited London as financial agent of Illinois; 1849, unsuccessful Whig candidate for United States senator; 1860, delegate to Democratic National Convention; June 17, 1863, vice-president of anti-administration meeting at Springfield; in politics, a Whig until the formation of the Republican party, after that a Democrat; died October 21, 1873 (*Blue Book of Illinois*, 1905; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1900; Moses, *Illinois Historical and Statistical*, 1895).

Messers Young and Reynolds may be able to obtain with certainty from Messer Wright & Co. after having paid the interest on all Canal Loans to the first of January 1841—as it is highly desirable to redeem as early as possible all the checks or Scrip issued [sic] by the Canal Commissioners under the authority of an act of the General Assembly approved on the 1st. of February last.

You will in all sales of Bonds, on account of the Canal Funds, receive [sic] said checks or scrip as lawful Money of the United States taking care to secure to the State the par value of the Bond.

Respectfully

Your Obt. Servt.

QUINCY ILL April 30th 1840

GENL. WM. F. THORNTON;

DEAR SIR: As you are about sitting [sic] out for the purpose of negotiating State Bonds on behalf of the Contractors of the Illinois and Michigan Canal, and feeling as I do a deep interest both on account of the State, and the Contractors Themselves, and in view of the Embarrassed Condition of our financial affairs, and the depressed State of the Money Market in this Country at the present time, which must continue so long as our Banks generally withhold Specie payment, a due regard for the interest of the State, and justice to the Contractors, has induced me to accept and confirm the sale of \$1,000,000, of Canal Bonds, made by the Hon. Richard M. Young to Messer Wright & Co. of London, in the month of ——— last, provided the money can be realised, at such times and in such sums as will meet the wants and Engagements of the Canal for the present year, this loan was considered by me of doubtful character as to its conformity [sic] to the law under which it was made and the conditions of the contract was therefore referred [sic] to the Legislature at its last session, which after being considered was passed over without any definite action,—by this sale the State of Illinois will receive [sic] par for her Bonds in New York funds and will realise the difference of exchange between New York and Chicago which will perhaps indemnify her for the necessary discount to be incurred [sic] on the payment of the accruing interest in London, and what may be the state of exchange between the two Countries at the time of the final redemption of the Bonds no one can foresee. The Confirmation of this sale, will enable the State to dispense with the payment of Bonds to contractors, and

thereby prevent their depreciation on forced sales by them, and will thus preserve the credit and value of the Bonds in our future operations.—

I am therefore fully satisfied that expediency requires me to accept of this loan, as it will prevent the payment of Bonds to Contractors, or the abandonment of the works on the Canal, Either of which would inflict infinitely [*sic*] more loss upon the State than can possibly grow out of this transaction.

It is almost unnecessary for me to repeat again that I would recommend the reduction of the work as far as possible, upon the Canal and the sale of the smallest amount of Bonds that will enable the State to meet the liabilities for the present year. If the \$1,000,000 should be realised under the negotiation of Judge Young, and a deficit should exist to meet the expenditures for the year, no sale of Bonds under the authority of the State to meet such deficit can be recognized short of complete par, but should the \$1,000,000, not be realized then in that case the only alternative will be for you to proceed to sell Bonds under the authority of the Contractors of the Canal.¹

QUINCY May 1st. 1840

HON. R. M. YOUNG

DEAR SIR: I have concluded to confirm your sale of \$1,000,000, Canal Bonds to Messers Wright & Co. of London,—first because I have no doubt that it is the best and most favorable that can possibly be effected to enable the State to meet the present and accruing liabilities on account of the Canal throughout the year,—the present indebtedness to the holders of scrip and Contractors amounting to near \$400,000 must be provided for, and the accruing interest to be paid on the first of July & January next.²

The last Legislature by an act passed on the 1st. of Feb. last, requiring [*sic*] the Canal Commissioners to sell as much of the Canal Lands and lots as would be necessary to pay the interest on Canal debts for the present year, but Gen. Thornton tells me that it would be impracticable to raise the money from that source, and secondly because the action of the last Legislature failed to repudiate your contract although it was much animadverted upon, and therefore removes responsibility to a great extent on my part. I cannot however persuade myself that it is a sale at par

¹ Mr. Thornton sold bonds to the value of \$1,000,000 at 85 (see *ante*, lxvi).

² The semi-annual interest was expected to be \$318,900 (*House Journal*, 1839-40, 14).

according to the letter of the law, but I do believe it is a par sale according to the meaning and intention of the Legislature at the time it was enacted,—knowing as I do that they were informed that the price of Ills. Stocks at that time in Europe were 93 to the 100, and by estimating the difference of exchange at ten per cent in favor of London it was contended that three per ct. per annum would be realised by a sale at that rate—therefore the sale of \$4,000,000, Canal Bonds was anticipated to be made in Europe as the phraseology [sic] of the act itself will demonstrate—Therefore if a sale of 93 to the 100 at that time would nett [sic] a premium of three per cent. Surely a sale at the same time at 90 to the 100, would have yield [sic] par.

Whatever may [be the] opinion as to the utility of contracting those debts, I think expediency at present demands the confirmation of your sale to Messers Wright & Co. Therefore if the money can be realised to meet the demands of the Canal throughout the present year I request you to close and confirm the contract, but if money cannot be realised from that negotiation to meet the present and accruing liabilities for this year, then and in that case I would recommend and advise cancelling the contract—and a with drawal of the Bonds because should the payment of the money be postponed until next year the Legislature before that time will have convened and an opportunity offered for such action as their wisdom may dictate.

With Sentiment &.

Signed

THO. CARLIN

QUINCY ILLINOIS May 1st. 1840

MESSERS FRY¹ & PRICKETT²
Canal Coms.

GENTLEMEN: Genl. Thornton President of your board left here yesterday for the East on his mission as agent on behalf of the contractors upon the Canal for the sale of Canal Bonds &. While here the subject of the accruing interest upon Canal Loans was mentioned and he gave it as his decided opinion that the money could not be made and realised

¹ Jacob Fry: born September 20, 1799, in Fayette County, Kentucky; 1819, removed to Alton, Illinois, where he worked as a carpenter; 1820, took up his residence near present city of Carrollton; served six years as constable and deputy sheriff; elected sheriff of Greene

² David Prickett: born September 21, 1800, in Franklin County, Georgia; taken by parents to Kentucky and Illinois while yet a boy; parents settled at Edwardsville; graduated at Transylvania University; November 15, 1821, licensed to practice law in Illinois;

from the sale of Canal lands and lots, to pay the interest of the present year, as contemplated and required by the act of first of Feb. last, and that it would be indispensably necessary to sell Bonds for that purpose, or to appropriate as much of the proceeds arising from Judge Youngs negotiation with Messers Wright & Co. for \$1,000,000 as would pay the interest.

Believing that it would be impracticable particularly as no measures had yet been taken to effect a sale of lands or lots for that purpose to raise money to meet the interest due on the first of July next. I therefore consented that Genl. Thornton should appropriate the necessary amount out of any available Canal fund. It is however my opinion that the only legitimate [*sic*] source from whence to derive the means for paying the interest is the sale of Canal Lands and lots.

The act of the 1st. Feb 1840. makes it the duty of the "Commissioners of the Illinois & Michigan Canal to sell so much of the Canal lands and lots the present year as may be required to pay the interest on loans made for Canal purposes." I therefore beg leave to call your attention to the above recited act, and would recommend a compliance with its requisitions, and when the money shall be made refund any amount that may have been used out of the Canal fund for the payment of interest for the present year.

Very Respectfully

Your Obt. Servt.

Signed

THO. CARLIN *Gov. Ill.*

County six times; lieutenant-colonel and colonel in Black Hawk War; 1837, appointed commissioner of Illinois and Michigan Canal; 1839, '41, reappointed; June 18, 1845—May 1, 1847, state trustee of Illinois and Michigan Canal; 1850, removed to California where he served one term in the legislature; 1857, appointed collector for the port of Chicago; 1857, removed from office by President Buchanan; 1860, returned to Greene County; November 1, 1861, enlisted as colonel of Sixty-first Illinois Volunteer Infantry; May 14, 1863, compelled to resign from army on account of poor health; lost his eyesight after his retirement; died June 27, 1881; buried in Oak Ridge Cemetery, Springfield (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; Moses, *Illinois Historical and Statistical*, 1895; *Adjutant-General's Reports*).

first Supreme Court reporter; 1826-28, representative in General Assembly; February 9, 1829—September 21, 1835, probate judge of Madison County; 1829-35, justice of the peace for Madison County; aide-de-camp to General Whiteside in Black Hawk War; 1830-39, clerk of lower house of General Assembly; 1837, elected state's attorney for First Judicial Circuit; 1840, appointed treasurer of Board of Canal Commissioners; 1842, chosen director of State Bank of Illinois; assistant clerk of lower house, General Assembly, when he died March 1, 1847 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; Palmer, *Bench and Bar of Illinois*; *Blue Book of Illinois*, 1905; *History of Madison County*, W. R. Brink & Co., Chicago, 1882).

QUINCY, ILLS. June 9 1840

HON. JOHN REYNOLDS,

DEAR SIR: Your letter of the 25th. ult. is recieved [sic] and I hasten to reply to it. I deem the prompt and punctual payment of interest upon all the public debts to be of the most vital importance to the interest, and character of the State in all her future operations. I have informed you in my preceeding [sic] letters that the last legislature passed an act requiring the Canal Commissioners to sell as much of the Canal Lands as would be necessary to pay the interest upon the Canal debts for the present year—but Genl. Thornton informed me verbally that money could not possibly be realized from that source to meet the interest coming due in July next, and believing that duty required me to preserve the credit and faith of the State inviolate, I therefore wrote to you and Judge Young to use every exertion to effect a sale of State Bonds for that purpose, but before I recieved [sic] any reply from you upon the subject Genl. Thornton left for the East, and he promised me that in case you had not succeeded in providing means for the payment of the interest, he would not leave the Eastern Cities until the necessary amount of money was obtained or provided for that purpose, either by sale or hypothecation of Bonds, or in case Judge Youngs contract with Messers Wright & Co. should be perfected and confirmed he would apply the proceeds of the £10,000 draft which Judge Young had drawn upon the said Wright & Co. which I was informed by the B. of the U. S. was placed in that Bank to the credit of the Canal fund amounting to \$56,444.44/100.

If however the interest which will be due in July next upon the Canal debts should not be fully provided for before this reaches you, I hope you and Judge Young will immediately turn your attention to it, if Bonds cannot be sold according to law, hypothecate any amount that may be necessary to raise the amount needed.

I hope you will use all diligence to procure the means for the prompt payment of the interest falling due the first of July next—as a failure to do so would inevitably prostrate the credit of the State, and would prove most calamitous to our future prospects, should you be compelled to hypothecate Bonds endeavor to extend the time of their redemption so as to afford ample time to procure money for that purpose.

QUINCY ILLINOIS June 14, 1840

HON. RICHARD M. YOUNG

DR. SIR: Your letter of the 20th. Ult., together with the accompanying Copies of letters addressed to Messers Wright & Co. of London and to Genl. W. F. Thornton, also a copy of a letter from Messers Wright & Co. to Thos. Dunlap Pres. B. U. S. were recieved [sic] by last mail, and I hasten to reply. Your letter to me and the accompanying copies most fully disclose the difficulties with which the affairs of this Canal are surrounded, and its future prospects and progress threatened. The last Legislature by their act required the Canal Commissioners to sell as much of the Canal Lands as would be necessary to pay the interest upon the Canal debts for the present year consequently no other legitimate source from whence to derive the means for that purpose, but being verbally informed by Genl. Thornton in March last that money could not be realized by the sale of lands to meet the interest which would fall due on the 1st. July next, and believing that the character and true interest of the state depended upon the punctual payment of the interest as it become due. I took the responsibility of instructing you and Gov. Reynolds to use every exertion to sell Bonds for that purpose, which however proved unavailing. At that time as at present I felt fully persuaded that the confirmation of your contract with Messers Wright & Co. was the best that could probably be done, to enable the State to progress with the work upon the Canal, but the uncertainty of obtaining the money from that quarter to meet the expenditures for the year, together with the doubts I entertained of the contract being strictly a par sale, and the powerful efforts by the members of the Legislature to repudiate not only that but all other contracts made by the agents of the state during the past year deterred me from approving it at that time, the doubts I entertained however of its being completely a par transaction principally [sic] controled [sic] my action thus far, believing as I did that hostility of a portion of the Legislature did not emanate [sic] from most patriotic motives but when the necessity arose for paying the contractors with State Bonds, I then determined that the interst [sic] of the State would be better promoted by availing our selves of your Contract provided the money could be had within the present year, and then superceed [sic] the payment of Bonds to Contractors this conclusion was approbated by Genl. Thornton but he alledged [sic] that the money must be recieved [sic] during the present year, or the greater portion of

it, otherwise it would be unavailing. From the tenor of your letter as well as a pubished [sic] letter from Genl. Thornton to Wm. B. Ogden¹ of Chicago, I would infer that some misunderstanding existed between Genl. Thornton, and myself in relation to the confirmation with Messers Wright & Co. and the payment of interest &c. I cannot however concieve [sic] it possible that the Genl. could have un[der]stood that your contract was approved unconditionally as he expressly stated that the money must be realized during the present year. A failure to pay the interest punctually as it becomes due under existing circumstances, would in any conception would prove most destructive to the interest and prospects of Illinois, and I would unhesitatingly incur almost any responsibility to avert such a calamity. You say that "If it is desirable to carry out our contract with Wright & Co. in good faith my present impression is that it will be essential for you to withdraw the limitation contained in your letter of approval of the first of May, so as to leave the payments to [be] made according to the terms of the agreement." If a withdrawal of the limitation of the time of payment could furnish the means of the payment of the interest falling due on the 1st. July next both in N. Y. and London and save the State from the humiliation and mortification of a forfeiture of good faith and honor, it unhesitatingly would be done, but if such withdrawal would not prevent the catastrophe [sic], no end nor advantage would be attained by it, and as the interest will become due about the time this reaches you, it will therefore be too late to make any provision for the interest falling due in London, but I will repeat that if such withdrawal would avert the calamity, then it is freely and fully made.

An additional reason to those before stated, for not promptly approving your contract with Messers Wright & Co. was that if the money was not paid during the year the Legislature would be convened before anything could be derived from that source, and therefore an oppertunity [sic] afforded to make any provision they might think proper for the future wants of the Canal you will discover that the entire object was to provide for the present year. Genl. Thornton spoke to me of the

¹ William Butler Ogden: born June 15, 1805, at Walton, New York; 1834, member of the New York legislature; 1835, removed to Chicago where he established a land and trust agency; first mayor of the city of Chicago; 1847, elected president of the Galena & Chicago Union Railroad; 1853, visited Europe; president of Chicago & Northwestern Railway Company; president of the Union Pacific Railroad Company; made large gifts to Rush Medical College, Theological Seminary, Academy of Sciences, University of Chicago, Astronomical Society; died August 3, 1877 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

quantity offered by Col. Mather as Prest. S. B. for the reimbursement of the N. Y. interest, and he added that he would not leave the Eastern Cities until the interest was provided for, I therefore relied on his Yours & Gov. Reynolds joint exertion and still hope that you will succeed in devising and procuring means to pay the interest. I cannot however disapprove your caution situated as you are, in holding the proceeds of the £10,000 untouched for reimbursement to Wright & Co. in case he should decline the proposed change of contract.

If I had the controle [*sic*] of any fund at present belonging to the State, I would not hesitate to divert it from its legitimate use and apply it to the payment of the interest. I have a letter now before me from Mr. Woodbury Secty of the Treasury informing me that \$57,289.37 on account of the three per cent fund arising from the sale of Public Lands is due and ready to be paid to the State of Ills. On the application of the proper authority accompanied by a report in conformity to the act of Congress of the 12th. Dec. 1820, giving an account of the application of said fund by the state &. This fund is by law to be added to the School fund and I have no controle [*sic*] of it otherwise I would apply it to the payment of the interest, and reimburse it out of the first money procured for Canal purposes. Mr. Woodburys letter will be enclosed this evening to the Auditor and Secty of State, the money to be drawn for and receipted by them, and then it becomes revinue [*sic*] for the use of the State but still I have no controle [*sic*] of it.

I hope you will use the utmost diligence to provide means for the payment of the interest, and what ever responsibility you may incur shall be sustained by me to the utmost of my ability, and I feel assured by the Legislature and the people also.

Your Friend

Signed

THO. CARLIN

QUINCY, ILLINOIS, June 25 1840

DEAR SIR:¹ Yours of the 1st inst. dated at New York has been recieved [*sic*] and duly considered, and I have accordingly concluded to accept and confirm the contract entered into by Hon. R. M. Young with Messers Wright & Co. of London for the State of Illinois & Michigan Canal Stock, amounting to \$1,000,000 in the month of Octr. last free from all restrictions, and according to the tenor of sd. contract.

¹ Probably William F. Thornton (see *ante*, 17).

This I would have done without hesitancy at the out set, in preference to the payment of Bonds to Contractors, had it not been for the uncertainty of realizing the money from that source to meet the present and accruing liabilities throughout the year for Canal purposes, this course accorded with your own views at that time, which contributed to bring me to the conclusion that the money must be paid within the present year, or Bonds must be paid to contractors. Should Messers Wright & Co. comply with the Contract entered into with Judge Young, either with or without the restrictions proposed by me in my letter to Judge Young of the 1st. May last, then and in that case I would infer from your letter that you do not design to sell any Bonds on account of the contractors unless as you say or they refuse to warrant free sales during the present year and I am obliged to sell a few Bonds on account of the Contractors. You will understand that my confirmation of Judge Youngs contract is distinctly intended to be applied to the Expenditures of the present year, and to release the payment of that amount of Bonds to Contractors, and if an additional amount will be indispensable, then, only use the smallest amount possible, to meet the absolute wants of the Canal, until the next Legislature can provide means. I trust you will succeed in the punctual payment of the London interest due on the 1st. July next, and will suggest the propriety of your making pernanint [sic] provision for its payment in July next before you leave Europe.

I have this day signed the new emission of Canal Bonds with Semi annual interest to substitute those in possession of Mr. Wright, and they will be sent by tomorrows stage to Springfield to be completed, and thence forwarded according to your request to Judge Young immediately.

The want of time will compel me to close, with respect and esteem,

Your friend.

Signed

THO. CARLIN

Gov of Ill.

QUINCY ILLS. July 2d. 1840

HON. R. M. YOUNG:

DEAR SIR: I wrote you in great haste on the 25 Ult. informing you that I had determined to confirm your sale of \$1,000,000 Canal Bonds made to Messers Wright & Co. of London in Octr. last free from all restriction.

This I would have done in preference [*sic*] to the payment of Bonds to Contractors, but the Committee appointed by the Contractors about the first of March last composed of Gen. Thornton & others alledged [*sic*] that your contract could not be relied on for money to meet the wants of the Contractors, as it depended upon Mr. Wrights success in selling the Bonds and in case he should fail to procure the money to meet the demands during the present year, inevitable ruin would be the consequence, but Genl. Thornton immediately before his departure from New York to Europe, urging the propriety of confirming your contract, and says that it will dispense with the sale of Bonds on account of the contractors. I therefore without hesitancy consented, and expressly informed and instructed him that it should superceed [*sic*] the sale of that amount of Bonds on account of Contractors.

The Semiannual Bonds will be forwarded to you by the Auditor from Springfield. You will please send them as early as possible to Genl. Thornton at London, and advise Messers Wright & Co. on receipt of them, to cancell [*sic*] the Bonds which you left in their hands before surrendering them to Genl. Thornton to be by him returned to me. It would seem by Genl. Thorntons letters to me that some misunderstanding existed in relation to the payment of the July interest as it seems that he expected to direct you to apply the £10,000 which you have drawn and the £20,000 which you are autherized [*sic*] to draw for on Mr. Wright to its Payment. This I could not do before Mr. Wright had consented to the proposed alteration of the contract, but I understood Genl. Thornton to say that he thought the guarrantly [*sic*] of Col. Mather¹ would be sufficient to induce you to do so in case the interest could not be provided for from some other source.

Your friend

Signed

THOMAS CARLIN

¹ Thomas Mather: born April 24, 1795, at Simsbury, Hartford County, Connecticut; was for a time in business in New York City; 1818, removed to Kaskaskia, Illinois; one of the founders of Chester, Illinois; 1820-26, representative in General Assembly; served one term as speaker of the House; 1822, opposed the adoption of a pro-slavery constitution; appointed by President Adams to locate a military road from Independence to Santa Fe; 1828-30, representative in the General Assembly; 1830, unsuccessful candidate for United States Senate; 1832-36, state senator; served on the staff of Governor Cole; 1835, removed to Springfield; 1837, appointed on Board of Fund Commissioners; president of State Bank; stockholder of Sangamon and Morgan Railroad; 1835-53, trustee of Illinois College; died March 28, 1853, at Philadelphia (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

EXECUTIVE DEPARTMENT,

SPRINGFIELD, Dec 1. 1840

TO THE SENATE OF ILLINOIS:

GENTLEMEN: I have the honor to acknowledge the receipt [*sic*] of a Resolution of the Senate of the 30th Ultimo requesting me to "furnish the Senate with all the information in my power relative to the late sale of the State Bonds to the Agent of the Canal Contractors whether or not said Bonds were Sterling Bonds payable in London, and if so whether or not said contractors paid or are to pay the state the difference of Exchange between the State of Illinois and the place of payment."

In answer to the above resolution I have the honor to reply that the Bonds paid to Contractors on the Canal were Sterling Bonds payable in London, and that the Exchange between that place and Illinois was secured to the State,—Such is my recollection of the verbal Statement of Genl. Thornton in October last.—I am again constrained to repeat that no written report has been furnished me by the Canal Board during the present year, nor has any written Statement been furnished me by Genl. Thornton as agent of the Canal Contractors, in relation to his negotiation of \$1,000,000 Bonds in London, on their account, although when in Quincy in October last, he positively promised as soon as he could return to Lockport to make out a complete statement in writing of the financial condition of the Canal and forward to me, to enable me to lay the necessary information before the Legislature at their present meeting. I have been equally infortunate [*sic*] in procuring information from the board of Public works having recieved [*sic*] no report from them during the year.

And since my arrival at the seat of government I addressed a Note to the Fund Commissioner, requesting to be furnished with the amount of interest due in N. Y. on the first Monday in January next on the internal improvement debt, which was answered by his Secretary but failed to furnish the information required, therefore the amount set forth in my message was left indefinite [*sic*].

A failure of those various functionaries, as well as a failure in part of the Auditor of Public Accounts to furnish the information required, in relation to the financial affairs of the State, has compelled me to resort to the late report of the Fund Commissioners, and other means of information that were un Official (but at that time were believed to be correct) for data to enable me to make up the Statistical table presented



in my message,¹ and should any inaccuracy appear therein they are attributed to the above causes.

EXECUTIVE DEPARTMENT

CITY OF SPRINGFIELD Jan. 2. 1841

TO THE SPEAKER OF THE SENATE:²

I have the honor, here with to transmit to the Senate two letters to Gen. Wm. F. Thornton One from Nevins Townsend & Co., New York, and the other from Magniac, Smith & Co. London, Communicating the intelligence of the failure of Wright & Co. of London.³ The particulars of the failure is not as yet known to this Department although from information recieved [sic] from Genl. Thornton, there is reason to hope that our state will not suffer materially if at all from the consequence thereof.

I am very Respectfully

Your Obt Servt.

Signed

THO. CARLIN

EXECUTIVE DEPARTMENT

CITY OF SPRINGFIELD Jan. 2, 1841

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES⁴

I have the honor herewith to transmit to the House two letters to Gen Wm. F. Thornton, one from Nevins, Townsend & Co. New York and the other from Magniac, Smith & Co. London, communicating

¹ *House Journal*, 1839-40, 14-15.

² Stinson H. Anderson: born 1800, in Sumner County, Tennessee; removed while young to Jefferson County, Illinois; June 16, 1832, enrolled as private in Captain Bowman's Company of the Spy Battalion; promoted to a lieutenancy; 1832-35, representative in General Assembly; 1838-42, lieutenant-governor of Illinois; captain of dragoons, United States Army; took part in Seminole War; United States marshal for Illinois; warden of state penitentiary at Alton; died September, 1857 (*Blue Book of Illinois*, 1905; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1900; *Adjutant-General's Reports*).

³ Wright & Co. were bankers and brokers, with their principal office in London; bankruptcy announced in London, November 23, 1840; liabilities about \$4,000,000; failure due to speculation in mining stocks; affairs were not settled for more than two years; Wright was refused a personal certificate of discharge; a dividend of about nine shillings in the pound paid (*London Times*, November 28, 1840; May 4, 1841; May 2, 1843). Letters found in *Senate Reports*, 1840-41, 307-8.

⁴ William L. D. Ewing: born 1795, in Kentucky; came to Shawneetown, Illinois, about time of admission of Illinois to Union; 1820, receiver of public money in land office at Vandalia; brigadier-general of state militia; colonel in Black Hawk War; Indian agent; 1826-30, clerk of lower house, General Assembly; 1830-32, speaker of lower house, General

the intelligence of the failure of Wright & Co. of London. The particulars of the failure are not yet known to this Department, although from information recieved [*sic*] from Gen. Thornton, there is reason to hope that our state will not suffer materially if at all in consequence thereof.

I am very Respectfully

Your Obt. Servt.

Signed

THO. CARLIN

STATE OF ILLINOIS

EXECUTIVE DEPT. Jan. 7. 1841

TO THE HONERABLE [*sic*] THE SPEAKER OF THE SENATE:

SIR: I have the honor to transmit to you a copy of a letter¹ of yesterdays date addressed to me by A. H. Bangs of New York which I request to be laid before the Senate over which you preside

Very Respectfully

Your Obt. Servt.

THOS. CARLIN

STATE OF ILLINOIS

EXECUTIVE DEPARTMENT Jan. 7. 1841

TO THE HON. SPEAKER OF THE HOUSE OF REPS.

SIR: I have the honor to transmit to you a copy of a letter¹ of yesterdays date addressed to me by Mr. A. H. Bangs of New York, which I request to be laid before the House over which you preside

Very Respectfully

Your Obt. Servt

Signed

THO. CARLIN

Assembly; 1832-34, state senator, during which time he was president *pro tem* of that body; November 17, 1834—December 3, 1834, acting governor of Illinois, *vice* John Reynolds, resigned; 1835-37, United States senator, *vice* E. K. Kane, deceased; 1838-42, speaker of the lower house, General Assembly; December, 1842—March, 1843, clerk of same body; March 26, 1843—March 26, 1846, state auditor; died March 26, 1846 (*Blue Book of Illinois*, 1905; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1900).

¹ Refers to a claim against the state for \$50,000.

EX. DEPT. SPRINGFIELD Jan. 15/41

TO THE HON. THE SPEAKER OF THE HOUSE OF REPS.

SIR: I have the honor herewith to transmit a copy of a letter of this date addressed to me by A. H. Bangs Esq of New York, who requested the same to be laid before the House over which you preside.

Very Respectfully

Your Obt Servt

Signed

THO. CARLIN

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan. 18. 1841

TO THE HONL. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor to transmit to the House a Copy of a letter from Judge Young, explaining the manner in which he has appropriated the fifty thousand dollars of Canal Moneys heretofore retained in his hands. Enclosed you will also find copies of three papers relating to the same subject

I am very Respectfully

Your Obt Servt

Signed

THO. CARLIN

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan. 18th. 1841

TO THE HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES

SIR: Enclosed I have the Honor to transmit to the House a Copy of a letter from the Fund Commissioners containing the intelligence that he had succeeded in paying the interest due on our State Bonds on the first Monday of the present month.

I have the Honor to be

Very Respectfully

Your Obt. Servt.

Signed

THO CARLIN

EXECUTIVE DEPARTMENT Jan 22. 1841

TO THE HON THE SPEAKER OF THE SENATE.

I[n] compliance [sic] with a resolution of yesterday requesting me to lay before the Senate a copy of all letters recieved [sic] by me from the fund Commissioners in relation to payment of interest on State Bonds and all other information in my possession on that subject, I have the Honor herewith to enclose the following viz:¹

A copy of a letter from	Richd. F. Barrett	dated N.York	Dec 27th.	1840
" " " " "	" " " "	" "	Jany 1st.	1841
" " " " "	" " " "	" "	" 3d	"
" " " " "	" " " "	" "	" 4th.	"
" " " " "	" " " "	" "	Dec 30th	1840
" " " " "	Richard M. Young	" "	" 28th	"
" " " " "	" " " "	" "	" 23	"
" " " " "	" " " "	"	Washington City	Jan. 6th 1841

Very Respectfully
Your Most Obt Servt.
THO. CARLIN

Signed

EXECUTIVE DEPARTMENT
CITY OF SPRINGFIELD Jany 5, 1841

TO THE HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES

SIR: I have the honor to communicate a Memorial of the Council and the House of Representatives of the Territory of Iowa for an appropriation to improve the rapids of the Mississippi River, which was enclosed to me by the Governor of said Territory with the request that the same be laid before the Legislature of this State

I have the honor to be
Very Respectfully
Your Obt Servt.

Signed
THO. CARLIN

¹ These letters are in *Senate Reports*, 1840-41, 338-44.

ILLINOIS HISTORICAL COLLECTIONS

STATE OF ILLINOIS

EXECUTIVE DEPARTMENT January 5. 1841

TO THE HONL THE SPEAKER OF THE SENATE.

SIR: I have the honor to enclose to you, copy of a letter from Sam Allinson Esqr¹ of London with the request that the same may be laid before the House over which you preside.

I have the to be,

Respectfully &c.

Signed

THO. CARLIN

STATE OF ILLINOIS

EXECUTIVE DEPARTMENT Jan. 5. 1841

TO HIS EXCELLENCY THE GOVERNOR OF THE STATE OF MISSOURI:

SIR: I have the honor to enclose to your Excellency, a demand for the arrest of Edward W. Thomas, John Lowery &cc.

Will Your Excellency forward your warrant to "John Miller Sheriff,² Madison [County,] Edwardsville Illinois."

I have the Honor to be

Your Excellencys

Most Obt. Servant

Signed

THO CARLIN

Governor of Illinois

STATE OF ILLINOIS

EXECUTIVE DEPARTMENT January 5. 1841

TO THE HON. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor to enclose to you a copy of a letter from Saml. Allinson Esq. of London, with the request that the same may be laid before the House over which you preside.

I have the Honor to be

Respectfully &c.

Signed

THO CARLIN

¹ This letter conveyed the intelligence of the Wright failure. Mr. Allinson states that the failure was the result of animosity on the part of the Bank of England and joint stock bankers (see *Senate Reports*, 1840-41, 311-12).

² *History of Madison County*, W. R. Brink & Co., Edwardsville, Illinois, 1882, 152, gives Andrew Miller as sheriff of Madison County at this time.

EXECUTIVE DEPT

SPRINGFIELD Jan 29. 1841

TO THE HONERABLE [*sic*] SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR: I have the Honor herewith to transmit to the House, a letter and petition from the "New York Historical Society" and Commend them to the favorable consideration of the Honorable [*sic*] body over which you preside.

I am very Respectfully

Your Obt Servt

THO. CARLIN

EXECUTIVE DEPARTMENT February 3d. 1841

TO THE HON THE SPEAKER OF THE SENATE:

SIR: In compliance with a resolution of the Senate, I have the Honor herewith to enclose, a Report¹ of the Honorable [*sic*] R. M. Young agent for the State of Illinois for negotiating loans for the benefit of the Illinois and Michigan Canal.

I have the honor to be Sir,

Your Most Obt Servant.

THO. CARLIN

EXECUTIVE DEPARTMENT February 3d. 1841

TO THE HON. SPEAKER OF THE HOUSE OF REPR.

SIR: In compliance with a resolution of the House, I have the honor herewith to enclose to you a Report of the Hon R. M. Young, agent for the State of Illinois for negotiating loans, for the benefit of the Illinois and Michigan Canal.

I have the Honor to be Sir,

Your Most Obt. Servt.

Signed

THO. CARLIN

¹Report of Richard M. Young is found in *Senate Reports*, 1840-41, 349-58.

STATE OF ILLINOIS EXECUTIVE DEPARTMENT

TO THE HON THE SPEAKER OF THE SENATE

SIR: I have the honor to enclose to you copy of the Annual Report of the "Illinois Mutual Fire insurance Company," made in pursuance of the 22d. Section of the act incorporating said Company

I am Sir,

Springfield 4th. Feb. 1841.

Respectfully &c.

Signed

THO CARLIN

STATE OF ILLINOIS EXECUTIVE DEPARTMENT

TO THE HON. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

SIR: I have the honor to enclose to you copy of the Annual Report of the "Illinois Mutual Fire Insurance Company," made in pursuance of the 22d. Section of the act incorporating said company.

I am Sir:

Springfield 4th Feb. 1841

Respectfully &c.

Signed

THO CARLIN

EXECUTIVE DEPARTMENT

SPRINGFIELD FEB. 6th. 1841

TO THE HON. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor herewith to transmit to you a Report & Joint Resolutions of the Legislature of the State of Alabama, and an Accompanying letter from the Govr. of said State, with a request that you should lay them before the House over which you preside.

I have the honor to be

Sir,

Your Most Obt. servt

Signed

THO. CARLIN

DEPARTMENT OF STATE

SPRINGFIELD, ILL 16th Feby. 1841

TO THE QUARTER MASTER GENERAL OF THE M[I]LITIA OF THE
STATE OF ILLINOIS

SIR: Enclosed I have the honor to send you copy of a Resolution of the House of Representatives of the General Assembly of the State

of Illinois now in Session, calling on me for information relative to the number and kind of arms belonging to the State there [*sic*] present location, as also the points where companies in this State can be furnished with the same.

I have to request that you will Report to me, so far as the information desired is in your possession that I may lay the same before the House from which said Resolution emanated [*sic*]

I have the Honor to be Sir,

Your most Obt Servt

Signed

THO. CARLIN

STATE OF ILLINOIS EXECUTIVE DEPARTMENT.

GENTLEMEN: I have the honor to enclose you copies of a Memorial¹ of the General Assembly of this State with the request that the same may be laid before the two Houses of Congress [of] which you are Members

I am

You Obt. Servant,

Signed

THO. CARLIN

Governor of Illinois

EXECUTIVE DEPARTMENT February 22d 1841

TO THE HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor herewith to lay before the House a preamble and Resolutions of the General Assembly of the State of Alabama, in relation to the "Protective Policy."

I am Sir,

Very Respectfully

Your Obt. Servt.

Signed

THO. CARLIN

¹ Proposing that the route of the Cumberland Road be changed to go through Springfield; amendment to Constitution of the United States, making re-election to the presidency illegal (*House Journal*, 1840-41, 255-56. Senators: Richard M. Young, Jonesboro; John M. Robinson, Carmi. Representatives: John Reynolds, Belleville; Zadok Casey, Mt. Vernon; John T. Stuart, Springfield).

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 22d. 1841

TO THE HON. THE SPEAKER OF THE SENATE,

SIR: I have the honor to enclose a Resolution of the General Assembly of the State of Alabama, directing the decision of the Supreme Court of that State to be sent to the several States of the Union, and also to inform you that seven volumes of said Reports have been recieved [sic] at the Office of Secretary of State for our State.

Permit me to suggest to Your Honorable [sic] body, the propriety of passing a similar resolution, in relation to the decisions of our Courts.

I have the Honor to be your Obt Servt.

Signed

THO. CARLIN

EXECUTIVE DEPARTMENT.

SPRINGFIELD FEBY 23d. 1841

TO THE HONERABLE [sic] SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor herewith to transmit to the House, a memorial of the Legislature of Michigan to the Congress of the United States in relation to the Construction of a "Ship Canal around the falls of St. Marie." and also a resolution of the Legislature of that State, requesting said Memorial to be laid before your Honorable [sic] body.

I have the honor to be

Very Respectfully

Your Obt. Servt.

Signed

THO. CARLIN

EXECUTIVE DEPARTMENT

SPRINGFIELD Feby 23/41

TO THE HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

I have the honor to transmit to the House a series of Resolutions of the Legislature of the State of Maine, in Relation to the North Western Boundry [sic].

Respectfully Your Obt. Servt.

Signed

THO. CARLIN

EXECUTIVE DEPARTMENT

SPRINGFIELD Feby. 23d. 1841

TO THE HONERABLE [*sic*] SPEAKER OF THE SENATE,

SIR: I have the honor herewith to lay before the Senate, a series of resolutions of the Legislature of the State of New York in relation to the National domain.

I am Respectfully

Your Obt. Servt.

Signed

THO: CARLIN

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 23d. 1841

TO THE HON. SPEAKER OF THE SENATE,

SIR: I herewith transmit to the Senate a Series of Resolutions of the Legislature of the State of Connecticut in relation to "the Public Lands," and also relative to the Tariff. I have the

Honor to be

Very Respectfully Your

Obedient Servant

THO. CARLIN

EXECUTIVE DEPARTMENT

SPRINGFIELD Feby 24/41

TO THE HON. THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR: I have the Honor herewith to enclose to you a Report and Joint Resolutions of the Legislature of the State of Indiana in relation to public Lands

I have the Honor to be

Very Respectfully

Your Most Obt. Servt.

Signed

THO. CARLIN

EXECUTIVE DEPARTMENT.

SPRINGFIELD Feb 24/41

TO THE SPEAKER OF THE HOUSE OF REPS.

SIR: I have the honor herewith to lay before the House a series of Resolutions of the Legislature of Pennsylvania in relation to the distribution of the Sales of Public Lands & relation to revising the Tariff

I have the Honor to be

Very Respectfully

Your Obt. Servt.

Signed

THO CARLIN

STATE OF ILLINOIS EXECUTIVE DEPARTMENT

TO THE HON. THE SPEAKER OF THE SENATE.

SIR: I have the honor to enclose to you, (with the request that the same may be laid before the Senate) proceedings of a meeting of Canal Contractors, held at Lockport 18th November 1840, on the subject of bonds sold by their agent &c.¹

Knowing that the interest of said Contractors are directly concerned in the sale of said bonds, and from the fact of most of said contractors have risked their *all*, in endeavoring to comply with their contracts, I most cheerfully concur, with their request, that their views as stated in the proceedings of said meeting may be considered with such deliberation, as the Senate may in their wisdom concieve [sic] best adopted [sic] to answer the ends of justice and place said Contractors on such footing with respect to said board as shall be equitable to them as well as the State.

I am Sir

Your Most Obt Servt.

Springfield Feb. 26, 1841

THO. CARLIN

Signed

¹ *Senate Journal*, 1840-41, 444.

DEPARTMENT OF STATE

SPRINGFIELD March 5. 1841

TO THE HON THE DELEGATION IN CONGRESS FROM ILLINOIS:¹

GENTLEMEN: I have the honor to enclose you copies of a *Memorial*² of the Legislature of this State praying Congress to locate and Establish a *Marine Hospital* at the City of Chicago with the request that the same may be laid before the two houses of Congress for their Consideration

I am Gentlemen

Your Obt. Servt.

Signed

THO CARLIN
Gov of Ill.

¹ Delegation in Congress from Illinois—senators: Richard M. Young, Jonesboro; Samuel McRoberts, Waterloo; representatives: John Reynolds, Belleville; Zadox Casey, Mt. Vernon; John T. Stuart, Springfield (*Blue Book of Illinois*, 1905).

² *Senate Journal*, 1840-41, 368.

CHAPTER II
EXECUTIVE LETTER-BOOK OF THOMAS FORD, 1842-45

EXECUTIVE DEPARTMENT

SPRINGFIELD December 14h 1842

TO THE SENATE OF THE STATE OF ILLINOIS,

In pursuance of the third and sixth sections of an act to provide for the elections of Justices of the Peace in Naples and Meredosia and for the appointment of certain Notaries Public approved Feb. 1st 1839. I Nominate to the Senate Solomon Parsons¹ to be Notary Public for the town of Griggsville in Pike County, in place of Ozias M Hatch² who has removed from said town, and thereby vacated his office, as it appears by the annexed certificate of Alexander Starne³ one of the representatives of said county.

I have the Honor &c.

THOMAS FORD

I do hereby certify that Ozias M. Hatch a resident of Pike County has removed from the town of Griggsville to that of Pittsfield county seat of said County

Springfield December 1842

ALEXANDER STARNE

¹ Solomon Parsons: 1840-42, representative in General Assembly; 1852-54, state senator from Fifteenth District, succeeding John Wood, resigned (*Blue Book of Illinois*, 1905).

² Ozias M. Hatch: born April 11, 1814, at Hillsborough Center, New Hampshire; 1829, began work in a grocery store in Boston; 1836-41, merchant at Griggsville, Illinois; 1841-48, circuit clerk of Pike County; 1851-53, representative in General Assembly; January 12, 1857-January 16, 1865, secretary of state; 1864, declined renomination to same office and retired to private life; in politics a Republican; one of the original members of the Lincoln Monument Association; interested in the banking business at Griggsville; died March 12, 1893, at Springfield, where he had made his home since about 1856 (Batesman and Selby, *Historical Encyclopedia of Illinois*, 1900; *Blue Book of Illinois*, 1905).

³ Alexander Starne: 1842-46, representative in the General Assembly; January 10, 1853-January 12, 1857, secretary of state; 1862, member of Constitutional Convention; January 12, 1863-January 9, 1865, state treasurer; 1871-75, state senator; died March 31, 1886; in politics a Democrat (*Blue Book of Illinois*, 1905; Moses, *Illinois Historical and Statistical*, 1895).

450000

as of an act of
and the
approved for
November 1

THE NATIONAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

May 1908

Mr. Hatch, a son of Mr. Pike, is
a graduate of the University of Wisconsin.

ATTENTION:

[illegible]

... it is shown on Govt. of New York
... at (12)

1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 26

General Assembly: January
Executive Council: February
Legislative Committee: March
Advisory Commission: April

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec. 17 1842

TO THE HONORABLE THE SENATE OF THE STATE OF ILLINOIS.

I hereby nominate Ralph Hamlin Esq. to be Notary Public at Peoria in the County of Peoria in the place of William Mitchell¹ who has resigned

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec 17. 1842

TO THE HON, THE HOUSE OF REPRESENTATIVES

The accompanying letter has been received from one of the creditors residing in London, it is communicated by me, to the General Assembly for their action, if indeed any thing, can be done in the case

I have the honor to be &

THOMAS FORD

STATE OF ILLINOIS

I Thomas Ford Governor of the State of Illinois do hereby certify that the Honourable Sidney Breese² of said State, was on the seventeenth day of this present month of December, chosen by the Legislature of this State, a Senator in Congress for the State of Illinois, for six years

¹ William Mitchell: Englishman by birth; 1833, emigrated to Peoria, Illinois; 1834, appointed county clerk; 1842, appointed notary public; 1845, appointed circuit clerk; 1847-48, mayor of Peoria; died November 13, 1849; was a prominent Mason (John F. King, Peoria, Illinois, private letter to editor).

² Sidney Breese: born July 15, 1800, at Whitesboro, New York; 1814, entered Hamilton College; 1816, transferred to Union College; 1818, graduated from Union College; December 24, 1818, arrived at Kaskaskia; 1819-39, official reporter of the Supreme Court of Illinois; 1820, admitted to the bar; 1821, postmaster at Kaskaskia; 1822-26, circuit attorney for Third Judicial Circuit; September, 4, 1823, married Eliza Morrison at Kaskaskia; 1827-29, United States district attorney for Illinois; 1831, published *Reports of the Decisions of the Supreme Court of Illinois, 1818-31*; 1832, served as lieutenant-colonel of the Third Regiment, Third Brigade of Volunteers; January 14, 1835—February 10, 1841, judge of Second Circuit; November, 1835, moved from Kaskaskia to Carlyle; February 15, 1841—December 19, 1842, justice of the Supreme Court of Illinois; March 4, 1843—March 3, 1849, United States senator; 1851-53, representative in General Assembly and speaker of the Lower House; June 22, 1855—March 1, 1858, judge of the Second Circuit; November 23, 1857—June 28, 1858, chief justice of the Supreme Court of Illinois; July 6, 1861—June 28, 1878, justice of the Supreme Court of Illinois; June 28, 1878, died at Pinckneyville; in politics a Democrat (*Illinois Historical Collections*, IV., 76, n. 1).

from the fourth day of March in the year of our Lord one thousand eight hundred and forty three, as it appears to me of record

In testimony whereof I have hereunto set my hand and affixed the Seal of State.

(L. S.) Done at Springfield this nineteenth day of December in the year of our Lord one thousand eight hundred and forty two.

By the Governor

THOMAS FORD

LYMAN TRUMBULL¹ *Sec. of State.*

EXECUTIVE DEPARTMENT December 20. 1842

TO THE SENATE AND HOUSE OF REPRESENTATIVES.

The Hon John Pearson² has resigned his seat in the Senate to take effect on the 1st. day of January 1843. A writ of election will issue immediately to fill the vacancy. But the law as it now stands requires a longer previous notice of the election; and allows a longer time for the returns thereof to be made than is necessary for a special election during the session.

I have the honor &c

THOMAS FORD

¹ Lyman Trumbull: born October 12, 1813, at Colchester, Connecticut; 1829, began teaching school near native town; 1833, principal of school at Greenville, Georgia; 1837, admitted to bar; 1837, removed to Belleville, Illinois, where he opened a law office; 1840-42, representative in General Assembly; March 1, 1841—March 4, 1843, secretary of state; 1843, unsuccessful candidate for congressional nomination; sought election to United States Senate; 1846, unsuccessful candidate for congressional nomination; 1846, beaten by French for nomination for governor on Democratic ticket; December 4, 1848—July 4, 1853, judge of the Supreme Court of Illinois; 1854, elected to Congress as an anti-Nebraska Democrat; 1855, elected to United States Senate through the influence of Mr. Lincoln; 1855-61, United States senator (anti-Nebraska Democrat-Republican); 1861-73, United States senator (Republican); no other member of that body had greater influence during the War and Reconstruction; voted against the conviction of President Johnson in the impeachment trial; 1872, joined in Liberal Republican movement; 1880, Democratic candidate for governor of Illinois, being defeated by Shelby M. Cullom; 1873-96, practiced law in Chicago; June 25, 1896, died at Chicago, where he had made his home since 1863 (*National Cyclopaedia of American Biography*; *Blue Book of Illinois*, 1905).

² John Pearson: born January 23, 1802, in Avon, New York; 1824, graduated from Princeton; studied law at West Avon; 1832, admitted to practice law at Ravenna, Ohio; 1832, removed to Chicago, and a little later to Danville; December 5, 1833, licensed to practice law in Illinois; 1836, Democratic presidential elector; February 4, 1837—November 20, 1840, judge of the Seventh District; 1840-43, state senator; 1849, went to California; returned to New York where he practiced law; accumulated a large fortune; died May 30, 1875, at Danville, Illinois (*Blue Book of Illinois*, 1905; *History of Chicago*, A. T. Andreas, Chicago, 1884; *History of Vermilion County*, Chapman Brothers, Chicago, 1889).

EXECUTIVE DEPARTMENT December 20 1842

TO THE SENATE & HOUSE OF REPRESENTATIVES,

A vacancy has this day occurred in the office of associate justice of the Supreme Court by the resignation of the Honorable Sidney Breese to take effect from and after the first day of January next.¹

Also a vacancy in the same office occurred [*sic*] in June last by my own resignation which last vacancy was temporarily filled by my predecessor to continue until the end of the present Session of the General Assembly²

I have the Honor to be &c

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec. 21. 1842

TO THE HONOURABLE THE SPEAKER³ OF THE HOUSE OF REPRESENTATIVES:

SIR: I have the honor herewith to lay before the House of Representatives the seventh annual Report of the Commissioners of the Illinois and Michigan Canal, and the accompanying documents.

I have the honor to be &

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec. 22 1842

TO THE SENATE AND HOUSE OF REPRESENTATIVES.

In compliance with the joint resolution of the two Houses, requesting the Governor with the assistance of the Auditor and Fund Commissioner to enter into a negotiation with the Banks for the purpose of ascertaining upon what terms an amicable dissolution between the State and the Banks can be effected &c. I have the honor to report that having associated the Auditor and Fund Commissioner with me, We proceeded

¹ Sidney Breese had been elected to the United States Senate three days before.

² John D. Caton had been appointed to take Ford's place as judge August 20, 1842.

³ Samuel Hackelton: 1832-36, representative in General Assembly; 1836, Democratic presidential elector; 1836-40, state senator; 1842-44, member and speaker of the Lower House of the General Assembly (*Blue Book of Illinois*, 1905).

to make the enquiries indicated in the resolution. The result will appear in the copies of the correspondence herewith submitted.

Bad health on my part has hitherto prevented me from obtaining other useful information which might have been obtained; and the necessity of avoiding further delay in the action of the General Assembly makes it proper that the information already obtained should [be] immediately communicated

I have the honor to be &

THOMAS FORD

EXECUTIVE DEPARTMENT Dec. 24. 1842

TO THE HOUSE OF REPRESENTATIVES

I have the honor to lay before the House of Representatives, the accompanying resolution of the General Assembly of the State of Vermont agreeably to their request.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec. 27 1842

TO THE SENATE

I nominate Oliver Whitaker to be Notary Public for the County of Stark, in place of Christopher Sammis who has removed from said County.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec. 30. 1842

TO THE HON. THE SPEAKER OF THE SENATE.¹

SIR: I have the honor to lay before the Senate the Seventh Annual Report of the Commissioners of the Illinois and Michigan Canal, and the accompanying documents.

I have the honor to be &c

THOMAS FORD

¹ John Moore: born September 8, 1793, in Lincolnshire, England; 1830, removed to Illinois; 1838-40, representative in General Assembly; 1840, elected state senator; December 8 1842—December 9, 1846, lieutenant-governor of Illinois; June 13, 1846—July 4,

SPRINGFIELD ILLINOIS 8th of January 1843

SIR: The enclosed resolutions,¹ were passed with great unanimity, [sic] by the General Assembly of this State; and they have directed me to forward a copy of them.

Now that you have retired to a private station, and are no longer looked to as the source of patronage and emolument; these resolutions cannot be attributed to any disposition to conciliate you, for the attainment of base Selfish ends. They are the offspring of a spontaneous and generous feeling to do you justice in your old age; and to vindicate your reputation, after a life of patriotic labor from the aspersions which your enemies have endeavored to cast upon it.

In complying with the direction of the General Assembly I deem it a fit occasion, to assure you, that no member who voted for those resolutions entertains the opinion, that the remission of the fine imposed upon you by Judge Hall, would be desirable to you on account of being restored to the possession of a paltry sum of money. You are as incapable of wishing it, for that purpose, as the General Assembly of asking it.²

1846, lieutenant of Company "B," Fourth Regiment Illinois Volunteers; July 4, 1846, elected lieutenant-colonel of same regiment; received great credit for his work at Vera Cruz and Cerro Gordo; discharged at New Orleans, May, 1847; August 14, 1848—January 12, 1857, state treasurer; popularly known as "Honest" John Moore; died September 23, 1863 (*Blue Book of Illinois*, 1905; *Adjutant-General's Reports*; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1900).

¹ Resolutions sent to ex-President Jackson:

WHEREAS, The conduct of General Andrew Jackson in the defense of New Orleans during the campaign of 1814-15, has, on various occasions received the approbation of the American people;

AND WHEREAS, Congress on the 15th day of February, 1815, by a vote of thanks, and by directing a gold medal to be struck and presented to him, as an evidence of their estimation of his patriotism, bravery and good conduct, sanctioned and applauded his course in the aforesaid campaign;

AND WHEREAS, The fine imposed on him by Judge Hall, for an alleged contempt of the authority of said judge, is not only an unjust implication upon the character of General Jackson, but a reflection upon the justice and gratitude of the nation: therefore,

Resolved by the House of Representatives, the Senate concurring, herein, That our Senators in Congress be instructed, and our Representatives earnestly requested, to use their exertions to procure the passage of the law directing that the fine of one thousand dollars, imposed by Dominick A. Hall, then District Judge of the United States for the district of Louisiana, for an alleged contempt of his authority, upon General Andrew Jackson, and by the said Andrew Jackson paid into the hands of the Marshal of the said District, be refunded, together with the costs and interests on the same, from the day of the payment thereof."—*House Journal*, 1842-43, 14-15.

² After the battle of New Orleans, both sides awaited the outcome of the contemplated peace between the United States and Great Britain, not knowing at that time that peace had really been made. To prevent a surprise from the enemy, General Jackson kept

It could only be agreeable to you or desired by a generous people, because in the evening of your long, eventful and illustrious life, such an act would wipe forever from your fair fame, a blot, with which your enemies and the enemies of our free institutions, have endeavored to tarnish it.

The General Assembly of this State and the people whose liberties you have fought for vindicated and protected devoutly hope that this fine may be speedily remitted by Congress; so that the termination of your useful and illustrious life, may be as calm, as happy, and as peaceful, as your public career has been fortunate and glorious for your Country

I have the honor to be

Your most Obedient

Servant

THOMAS FORD

General Andrew Jackson
Nashville
Tenn.

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan. 11th 1843

TO THE SENATE & HOUSE OF HOUSE OF REPRESENTATIVES

I wish to call the attention of the General Assembly to the present mode of paying the Contingent Expenses of the State Government; and to the fact that great losses are sustained by the State, in consequence of the enormous prices demanded for articles indispensable for the use of the two Houses and the public officers. It is by law made the duty

the citizens enrolled as soldiers longer than many of the people of New Orleans thought necessary. March 3, 1815, a communication distasteful to General Jackson appeared in the *Louisiana Courier*. On account of it the writer was imprisoned by order of the general. The same day a writ of habeas corpus was issued, returnable the next day, March 6, before Dom. A. Hall, judge of the District Court of the United States. On the evening of the 5th, General Jackson ordered the arrest and confinement of Judge Hall, and later seized the writ of habeas corpus when an officer attempted to serve it. Sunday, March 12, Judge Hall was escorted out of the city by a military guard and ordered not to return until the ratification of peace had been announced. The next morning such news arrived, and the judge returned. March 22, General Jackson was cited to appear before Judge Hall and show cause why an attachment should not be issued against him for contempt of court. Counsel for the general prepared an elaborate report in which it was shown that the exigencies of the time had necessitated the predominance of the military arm. The court refused to hear this and with little ceremony assessed a fine of \$1,000, against Jackson, which he paid the same day (Parton, *Life of Andrew Jackson*, II.).

of the public officers to contract for fire wood, candles and stationary [sic] for the use of the General Assembly; and to pay postage on all communications received at the post office. But for want of current funds in the treasury; and because of the great uncertainty which exists, as to whether any measures will be adopted to replenish the Treasury it has been impossible for the public officers to procure supplies for the use of the legislature: or to procure any thing to be done for the State without enormous prices. The article of wood alone of which a great amount is necessarily consumed could be purchased with cash at the rate of \$1.75 per cord; but in the means of payment proposed by the state it cannot be purchased for less than \$3.50. Candles can be purchased with cash at thirty seven and one half cents per pound, but with warrants or depreciated paper, they cannot be purchased at less than one dollar per pound. *Every thing else in proportion.*

As the Government of the United States will receive nothing but current funds in payment of postage the State is absolutely without the means of getting a letter out of the post office without taking Auditors warrants or depreciated paper from the Treasury and exposing them in market for what they will bring, to raise the necessary funds. From the very necessity of the case, this practice has been tollerated [sic] heretofore, though unauthorised by law but will not be continued after the General Assembly have had time to act upon that subject unless the practice shall be continued by law.

No letter not post paid will be taken out of the post office, addressed to any Department of the Government after the adjournment of the Legislature unless some further provision shall be made for the payment of postage.

The Contingent expenses of the General Assembly and the several Executive departments, are very considerable even when made in cash; but swell to an enormus [sic] sum when paid as demanded in depreciated paper or warrants. The people have findly [sic] looked to the present Session for a very considerable reduction of public expenditures; And I am satisfied that every disposition exists on the part of the General Assembly to accomplish their most sanguin [sic] expectations. But we are really in danger, from the causes above enumerated and others of making the expenses of this session far exceed, those of any former session of the General Assembly.

I therefore recommend that if any action is to be had at this Session, to put the finances of the State upon a sound footing that it should take

place immediately, before further expenditures shall be made, at the ruinous prices now demanded.

I desire also to call the attention of the General Assembly to the subject of reduction of taxes, and to urge by all means that no such reduction shall be made as will yield an inadequate revenue. Nothing can possibly be gained by such a reduction, but the State must necessarily be a great loser [*sic*]. If the revenue shall be so diminished as to be insufficient to pay the current expenses, it is obvious that the State must pay an increased price for every thing of a contingent character; and that increased price will rise just in proportion as the revenue shall be deficient

I have the Honor to be &c

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD, Jan. 13-1843

TO THE HON. THE SENATE,

I nominate De Grass Salsbury to be notary public for the County of Bureau in place of John H. Bryant¹ resigned

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan. 13. 1843

I nominate Henry W. Moore² of Gallatin County to be Commissioner of the Gallatin County Saline in pursuance of the 1st. and 6th Sections of "an Act to amend an act entitled An act relating to the Gallatin Salines and the lands belonging to the same"

THOMAS FORD

¹ John H. Bryant: born July 23, 1807, in Cummington, Massachusetts; studied at Rensselaer Polytechnic Institute, Troy, New York, but was never graduated; 1831, removed to Illinois; justice of the peace for Putnam County; first recorder of deeds for Bureau County; 1842-44, representative in General Assembly, also 1859-61; 1863-64, collector of internal revenue; 1872, joined in Liberal Republican movement at Cincinnati; 1874, identified with "Independent Reform" party; 1891-95, trustee of the University of Illinois; died January 14, 1902. Mr. Bryant was a brother of William Cullen Bryant and was a poet of some note; among his published works are: *Poems*, New York, 1855; *Poems, Written from Youth to Old Age, 1824-1884*, Princeton, Illinois, 1885 (*Appletons' Biographical Cyclopaedia*); *Blue Book of Illinois*, 1905; *Daily News Almanac*, 1902).

² Henry W. Moore: came to Illinois from the East, probably Massachusetts; read law with John C. McClernard; 1848, emigrated to California and died on the way (Palmer, *Bench and Bar of Illinois*).

EXECUTIVE DEPARTMENT

SPRINGFIELD Jany. 13. 1843

TO THE HON. SENATE.

I nominate Joseph Filkins to be Notary public for the County of Cook

THOMAS FORD

TO VIRGIL HICKOX¹ OF SPRINGFIELD, NORMON H PURPLE² OF PEORIA
AND HENRY G COTTON³ OF OTTAWA

GENTLEMEN: You are hereby appointed a committee in pursuance of the foregoing preamble and Resolution of the General Assembly to investigate the accounts of the State Bank of Illinois, and to ascertain the true statement of such accounts and the balance due to or from said Bank upon a fair and equitable settlement taking into view the various subjects embraced in the preamble aforesaid, and you are requested to report the result of your investigation to the General Assembly at the earliest possible period.

In testimony whereof I have herewith set my hand and affixed (L. S.) the seal of State. Done at Springfield the 17 day of January in the year of our Lord one thousand eight hundred & forty three.

By the Gov.

THOMAS FORD

¹ Virgil Hickox: born July 12, 1806, in Jefferson County, New York; received common-school education; August 25, 1828, started west; 1828-33, worked as a carpenter in St. Louis; 1833, removed to Galena, Illinois; May 5, 1834, opened a store at Springfield; 1839-41, director of the State Bank of Illinois; 1851, interested in building a railroad from Alton to Springfield; 1859-60, chairman of Democratic State Central Committee; June 17, 1863, vice-president of an anti-administration meeting at Springfield; February 28, 1867, appointed canal commissioner (*History of Sangamon County* gives this date as May, 1869; Moses, *Illinois Historical and Statistical*, 1895; Powers, *History of Early Settlers of Sangamon County*).

² Norman H. Purple: born March 29, 1803, in Otsego County, New York; 1830, admitted to bar in New York; July, 1837, removed to Illinois, settling at Peoria; 1840-42, state's attorney of Ninth Judicial District; 1844, Democratic elector; August 8, 1845—December 4, 1848, justice of Supreme Court of Illinois; 1848, resumed practice of law; 1857, compiled general laws known as *Purple Statutes*; prominent lawyer at Chicago when he died August 9, 1863 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905; Palmer, *Bench and Bar of Illinois*).

³ Henry G. Cotton: 1839, admitted to bar in Illinois; 1849-56, judge of LaSalle County; died December 7, 1856 (Palmer, *Bench and Bar of Illinois*).

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan. 21. 1843

TO THE HOUSE OF REPRESENTATIVES

I have the honor to lay before the House of Representatives the following report of the lands selected by the agents of this State under the provisions of an act of Congress Approved March 19. 1842 entitled "An Act to authorize the Governors of Illinois, Missouri and Arkansas to cause to be selected the lands therein Mentioned" being a part of the lands granted to the State of Illinois by an Act of Congress Approved Sept 4. 1841 entitled "An act to appropriate the proceeds of the Sales of the public lands and to grant preemption rights['']; and which report is an addition to one communicated to the House of Representatives by my predecessor at the commencement of the Session

I have the honor to be &c

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan 23rd. 1843

TO THE SENATE.

I nominate Samuel F Price to be public Administrator of Alexander County Also William G Goforth to be Administrator of St Clair County. Also Theodore Engelman¹ to be Notary Public for St Clair County.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Jany. 25. 1843

I nominate Norman H. Purple Esq. to be Bank Commissioner under the provisions of an act entitled, "An act to diminish the State debt and put the State Bank into liquidation." Approved Jany 24. 1843.

THOMAS FORD

¹ Theodore E. Engelman (Englemann, Engelman): born July 16, 1808, in Rhenish Bavaria; educated in a German university; studied law in St. Louis; 1833, removed to St. Clair County, Illinois; licensed to practice law in Illinois; 1852-60, law partner of his brother-in-law, Gustavus Koerner; 1845-52, clerk of the Circuit Court; master in chancery of St. Clair County; 1860, retired to a farm; died March 7, 1889, and is buried in the old family cemetery near Shiloh (*History of St. Clair County*, Brink & McDonough, Philadelphia, 1881; *History of St. Clair County*, A. S. and A. A. Wilderman, Chicago, 1907).

EXECUTIVE DEPARTMENT

SPRINGFIELD Jany. 26. 1843

TO THE SENATE

I nominate Henry Brown¹ to be Notary Public for the City of Chicago in the County of Cook in the place of Walter Kimball removed from said County

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan. 31 1843

I nominate James McCoy² to be Notary Public in the County of Whiteside.

I have the honor to be &c

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb 2. 1843

I nominate Lewis B. Wynne³ to be Public Administrator of Menard County

I have the honor to be &c.

THOMAS FORD

¹ Henry Brown: born May 13, 1789, in Hebron, Tolland County, Connecticut; graduated at Yale; studied law at Albany, Canandaigua, and Batavia; about 1813, admitted to bar; 1816, appointed judge of Herkimer County, New York; 1824, resumed practice of law at Cooperstown, New York; 1836, removed to Chicago; May 20, 1837, elected justice of the peace; 1842, chosen city attorney of Chicago; March, 1843, announced the preparation of a History of Illinois, which was published the next year at New York City; died May 16, 1849; in politics a Democrat until 1848 when he joined the Free Soil Party (*History of Cook County*, A. T. Andreas, Chicago, 1884).

² James McCoy: born September 22, 1816, in Greenbrier County, Virginia; licensed to practice law in the East; May 9, 1837, removed to Fulton City, Illinois; 1837-39, taught school; May 23, 1839, married to Miss Elizabeth Russell of Champaign County, Ohio; interested in early railroad building in Illinois; county judge of Whiteside County; 1864, delegate to Republican National Convention; 1868, Republican elector; 1870, member of Constitutional Convention (*History of Whiteside County*, Charles Bent, 1877).

³ Lewis B. Wynne: 1842-46, state senator (*Blue Book of Illinois*, 1905).

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 6. 1843

I have the honor to lay before the House of Representatives a preamble and resolution of the General Assembly of the State of South Carolina on the subject of Federal relations and the tariff.

Also resolutions of the General Assembly of Georgia on the subjects of the repudiation and assumption of State debts; and also on the subject of imprisonment of free negroes under the laws of those States which forbid the ingress of such persons within their Borders

I have the honor to be &c

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 6. 1843

TO THE SENATE & HOUSE OF REPRESENTATIVES,

In pursuance of the joint resolution of the two Houses on the subject of the fine imposed—on General Jackson by Judge Hall at New Orleans. I transmitted copies of the same to the Senators and each of the Representatives in Congress from this State; and also a copy to General Jackson. In reply to which he desires me to convey to the General Assembly his warmest acknowledgments. I do not know how I can better comply with his request than by laying before you a copy of his letter,¹ which is herewith transmitted.

I have the honor to be &c

THOMAS FORD

¹ General Jackson's letter, copied from *Senate Reports*, 1842-43, 167-68.

HERMITAGE, January 24, 1843

"SIR: I have had the honor to receive your letter of the 8th instant, accompanied by resolutions passed by the General Assembly of the State of Illinois which declare the fine imposed by Judge Hall upon me for an alleged contempt to be "not only an imputation upon my character, but a reflection upon the justice and gratitude of the nation." The resolutions of the Assembly also instruct the Senators and request the Representatives of the State of Illinois to use their exertions to procure the passage of a law refunding said fine and costs, with interest thereon.

"For these resolutions, so highly applauding my conduct, be pleased to convey to the Legislature my warmest acknowledgments. They constitute another proof of the fact that my fellow citizens estimate correctly the motives which actuated me throughout the whole course of my conduct at New Orleans, and they are the more gratifying to my feeling from the fact that they were entirely unsolicited.

"In your letter, you give evidence of having correctly appreciated my feelings on this subject, and for your many highly complimentary expressions, and for your good wishes for my happiness, please to accept my sincere thanks.

"I am, with the highest respect, your obedient servant,

"ANDREW JACKSON

"Hon. Thomas Ford, Governor of Illinois."

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 6. 1843

I nominate Albert E. Smith to be Notary Public for the County of McHenry.

I also nominate Charles D. Pulver to be Notary Public at Pleasant Groves in the Co. of McHenry agreeably to the petitions of fifty legal voters of said County

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Jan. 6. 1843

TO THE SENATE & HOUSE OF REPRESENTATIVES

I have the honor to lay before the General Assembly a letter from Governor Carlin containing information of great importance concerning his negotiation of State bonds; and in accordance with the suggestion therein contained I respectfully recommend to the Legislature to make some provision by laws for getting up, taking an account of and destroying all bonds which can be procured, or which may in any wise be returned to the State

I have the honor to be &c

THOMAS FORD

P. S. The Bonds alluded to by Governor Carlin being 101 in number, as being in possession of Genl. Fry have been by him delivered to me and are now in my possession

THO. FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 8. 1843

TO THE SENATE AND HOUSE OF REPRESENTATIVES

The State Bank has filed in the Secretaries [*sic*] Office a written consent under its Corporate Seal to the provisions of an act entitled an Act "To diminish the State debt and put the State Bank into Liquidation" and has also delivered to me one Million seven hundred and eighty six thousand dollars in State Bonds and also the further sum of two hundred and eighty seven thousand five hundred and one dollar & fifty one cents

in Auditors certificates Making in the whole the sum of two Million seventy three thousands five hundred and one dollars and fifty one cents of state debt which is at once and forever extinguished under the provisions of the above recited act. The occasion is fit & proper for congratulation we have thus fortunately and happily made a commencement in the great work of extinguishing the State debt and that we have succeeded in dissolving without loss to the State the odious connexion between Bank & State which has heretofore existed in the business of Bank Speculation.

One hundred thousand dollars of the bonds delivered to me have been hypothicated [*sic*] to the Bank by the Fund Commissioner for a loan of fifty thousand dollars which had not been repaid the delivery of these bonds has extinguished that debt in addition to which the Bank has entered a credit in favor of the Fund Commissioner for the further sum of fifty thousand dollars to be taken into account in the final settlement with that officer.

The Auditors certificates were the evidences of a claim by the Bank on the State for monies paid in redeeming Auditors warrants and were equal to so much cash advanced to pay current expences [*sic*].

By getting up these certificates a debt is extinguished to the amount of \$287.501.51/100 contracted to pay ordinary expences [*sic*] and occasioned by a too liberal appropriation of money from the Treasury and a deficiency of revenue.

This claim being now extinguished I am happy to state that a settlement has been made between the Auditor of Public Accounts and the Bank and that the Auditor has obtained from the Bank a full receipt for all demands arising out of the connexion between the Bank and the Treasury, the State now owes the Bank nothing on account of that connexion and the debt due by the State to others on account of the ordinary and domestic Administration of the Government has been so reduced that on the first day of this month it amounted only to the sum of \$40.858.92/100 in place of \$328.360.43/100 the sum to which it would have amounted if this arrangement with the Bank had not been made.

This debt of \$40.858.92/100 is not due to the Bank but to individuals who hold that amount of out standing Auditors Warrants which have not been redeemed by the Bank.

It is proper also to remark that I have been informed at the Treasurers Office that their [*sic*] is now in the Treasury the sum of

\$28.159.91/100 in the notes of the two Banks which although greatly depreciated can be made available by authorizing them to be paid out at two dollars for one, to reduce the present indebtedness of the Treasury to \$26.778.97/100 thus placing the State in a better condition in regard to its debt contracted for ordinary expences [sic] than it has been for many years past. With a little economy [sic] and a wise foresight as [to] the future the Treasury may easily be kept in this enviable condition.

As yet their [sic] has been no settlement between the Fund Commissioner and the Bank and I am therefore not prepared at this time to inform the General Asesmbly how an adjustment of the accounts between them will result though I have reason to believe that no great difference exists in the accounts on either side. The Bonds and Certificates received from the Bank have been duly registered in the Sec. Office and I will be prepared agreeably to have to produce them in front of the State House at two oclock on Thursday the ninth day of this month that they may be distroyed [sic] in the presence of the General Assembly

I am most respectfully &c

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD, Feb. 9. 1843

TO THE HOUSE OF REPRESENTATIVES

I have the honor herewith to lay before the House of Representatives a report of the Board of Auditors, made in pursuance of the "Act creating a Board of Auditors to settle the Accounts of contractors on the Public Works" Approved Feb. 26. 1841.

I have the honor to be &

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD February 10th 1843

I nominate Adams Dunlap¹ to be Notary Public for the County of Schuyler.

THOMAS FORD

¹ Adams Dunlap: 1832, Democratic elector; May 21, 1847—November 7, 1848, captain of independent company in Mexican War (*Blue Book of Illinois*, 1905; *Adjutant-General's Reports*).

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 10. 1843

In obedience to a resolution of the Senate passed this day requesting the Governor Secretary of State and Fund Commissioner to communicate to the Senate whether the whole amount of bonds and other evidences of indebtedness required by law to be burned in the presence of the General Assembly were actually so burned and destroyed [*sic*] &c. We have the honor to state that State bond to the amount of One Million seven hundred and eighty six thousand dollars received from the State Bank; and also the amount of two hundred and eighty seven thousand five hundred and one dollars and fifty one cents in Auditors Certificates Surrendered by the Bank that being the whole amount required by law to be burned by the Governor, were actually burned and destroyed [*sic*] in front of the State House on the 9th inst. The numbers and discription [*sic*] of said bonds and other indebtedness have been registered in the Secretaries [*sic*] Office and open to the inspection of any Member of the Senate.

We have learned that the Fund Commissioner soon after the burning of bonds above alluded to, also burned a large quantity of bonds and as we do not know the number amount or discription [*sic*] of the bonds burned by him we refer to him for information on that subject.

THOMAS FORD

LYMAN TRUMBULL

NOTE.—I have heard that one coupon of \$30 of the discription [*sic*] ordered to be burned has been found unconsumed.

T. FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 11. 1843

I nominate William B. Parker to be Notary Public for the Town of Tremont in the County of Tazewell agreeably to the prayer of the annexed petition of fifty legal voters of the said County.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 16. 1843

I nominate John P. Haggard of Carthage Hancock County to be Public Administrator for the County of Hancock

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 16. 1843

I nominate to the Senate S. Robbins to be Notary Public and Public Administrator for the County of Grundy

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 20. 1843

I have the honor to lay before the House of Representatives a letter from Gov. Carlin and accompanying documents; relating to the selection of lands, last summer, under the provisions [sic] of the act of Congress Authorizing the Governor of this State to cause to be selected the lands therein mentioned

I am most respectfully &c

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD, Feb. 20, 1843

I nominate John McDonald to be public Administrator for the County of Calhoun

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 20. 1843

I nominate Bryan Shawneesey¹ to be Notary Public for the County of Alexander

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 21. 1843

I nominate Lansing B. Nichols to be Public Administrator for the County of Lake

THOMAS FORD

¹ Bryan Shawneesey (Shannessy): born January 15, 1806, in County Limerick, Ireland; 1825, emigrated to the United States, settling at New Orleans where he worked as a millwright; 1836, removed to East St. Louis, Illinois; 1838, went to Cairo as contractor upon the Cairo end of the Central Railroad; settled at Cairo; became one of the leading citizens of that place; served as police justice and notary public; served a term as associate justice of the County Court of Alexander County; November, 1879, died at Cairo (M. J. Howley, Cairo, Illinois, private letter to editor).

EXECUTIVE DEPARTMENT

SPRINGFIELD, Feb. 21st 1843

I nominate William B. Doolittle to be notary public in and for the town of Pekin, in the County of Tazewell in pursuance of the annexed petition.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD Feb. 23. 1843

I nominate William B. Doolittle to be Notary Public for the town of Pekin in Tazewell County, his appointment on the 21st inst. having been vacated by a law passed the same day.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD March 2. 1843

TO THE SENATE & HOUSE OF REPRESENTATIVES.

The president of the Bank of Illinois at Shawneetown, did on the 27th day of Feb last in pursuance of the act entitled "An act to reduce the State debt one Million of dollars and put the Bank of Illinois into Liquidation." Approved Feb. 25 1843 pay over to me State bonds scrip and other indebtedness of the State to the amount of five hundred thousand dollars which are now being registered in the Office of Secretary of State and will be ready to be produced before the General Assembly in front of the State House at two oclock of Saturday next, in order that the same may be distroyed [*sic*].

I have also entered into a contract with the Bank of Illinois for the delivering of the residue of five hundred thousand dollars of the State indebtedness with interest, within one year from the 27th day of Feb. last and have assigned to the said Bank five hundred thousand dollars of the Stock of the Bank owned by the State.

I have the honor to be &c

THOMAS FORD

NOTE.—Of the indebtedness received forty one thousand dollars is of the bonds issued on account of completing the Northern Cross rail road.

EXECUTIVE DEPARTMENT

SPRINGFIELD March 3. 1843

I nominate B. K. Hart, Peter Merrill and William Montgomery to be Inspectors of the Penitentiary at Alton.

Also Thomas Morris of Gallatin County, William H Bissell¹ of St Clair County and Murray McConnel² of Morgan County to be Bank Commissioners under and by virtue of an act entitled "An act to put the Bank of Illinois into liquidation," Approved Feb. 25. 1843.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD March 3. 1843

I nominate James C. Sloo, John Crenshaw and Orville Sexton to be directors on the part of the State of the Bank of Illinois at Shawneetown

THOMAS FORD

¹ William H. Bissell: born April 25, 1811, in Yates County, New York; received fair education; graduated at Jefferson Medical College; removed to Monroe County, Illinois, where he practiced his profession; 1840-42, representative in General Assembly; studied law and was admitted to bar; practiced at Belleville; 1844, elected prosecuting attorney; June 30, 1846-June 18, 1847, colonel of Second Regiment Illinois Volunteer Infantry; served with distinction especially at Buena Vista; 1849-53, represented First District in Congress; 1850, voted in favor of adjustment measure; challenged by Jefferson Davis to fight duel; Mr. Bissell chose rifles at thirty paces; the matter was amicably settled; May 29, 1856, nominated for governor of Illinois; January 12, 1857-March 15, 1860, governor of Illinois; died March 15, at Springfield, Illinois, where he lies buried at the foot of a monument erected to his memory in 1868, by the legislature (Palmer, *Bench and Bar of Illinois*; Davidson and Stuvé, *History of Illinois*; *Blue Book of Illinois*, 1905; *National Cyclopaedia of American Biography*; *Adjutant-General's Reports*).

² Murray McConnel: born September 5, 1798, in Orange County, New York; received common-school education; 1812, left home; spent a year at Louisville, Kentucky; lived several years west of the Mississippi River; 1823, located in Morgan County, Illinois; one of the early settlers of Jacksonville; 1832, served on staff of General J. D. Henry in Black Hawk War; 1832-34, representative in General Assembly; 1837, appointed member of Board of Public Works; had charge of the construction of the Northern Cross Railroad; assisted Governor Ford in the Mormon trouble; major-general of state militia during Governor French's administration; 1855, became fifth auditor of the United States Treasury Department; 1859, retired from that office; 1860, delegate to Democratic National Convention; 1865-69, state senator; supported Lincoln's war policy; 1865, voted for ratification of Thirteenth Amendment; February 9, 1869, assassinated in his office at Jacksonville, by a party whose identity remains unknown (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

EXECUTIVE DEPARTMENT

SPRINGFIELD March 7th 1843

TO COL CHARLES OAKLEY & THE HON. MICHAEL RYAN

Agents to receive subscriptions for completing the Illinois & Michigan Canal

GENTLEMEN: I have seen with regret that some enemy of the State of Illinois, (probably resident among us) is endeavoring by publications in the Atlantic Newspapers to make the impression that the Legislature and public authorities of this State are not to be trusted for a further advance of money for the Illinois & Michigan Canal, although the State tenders as a pledge that which all admit to be an ample security.

The late Canal law grants the Canal the Canal lands and some thousands of town and city lots, the water power and all the appurtenances of the Canal, to trustees for the security for such subscribers as will advance the further sum of one million six hundred thousand dollars for the completion of the Canal; and ultimately for the payment of the whole canal debt heretofore contracted. But it is pretended by the writers before alluded to, that the dominant party in this State, in whose hands the political power now is and where it will most probably continue, profess to believe, and do believe in the right of the Legislature, at a subsequent session, to repeal at will all such contracts and solemn engagements as may have been invited and entered into at a previous session.

That consequently the subscribers to such a loan would be endangered in their security by wayward and fickle Legislation in future. There can be no imputation more unjust than this; and there is scarcely a colorable ground for putting it forth. No citizen of this State, with whose opinions I am acquainted, believes in any such opinion; nor does any one within the compass of my knowledge, believe that where capitalists are invited by an act of the Legislature to expend their money here in making internal improvements, and where they actually do make such an expenditure upon an express pledge of property, that such an act can be repealed; or that there is any power known to the Constitution, capable of resuming the grant, or annihilating the pledge.

These writers for proof of their assertion, produce the acts repealing the charters of the Banks of Illinois and Cairo; which at first view and without explanation would seem to sanction this imputation upon the late session of the General Assembly. But when the matter is properly

understood, it will be clearly perceived that there is no ground for the horrible aspersion which the friends of those rotten and swindling banks, have endeavored to fasten upon the authorities of this State; merely for purposes of revenge upon the friends of the Canal, who voted for those acts of repeal; and for the accomplishment of ulterior political objects

And now I propose to give you this explanation in an authori[ta]tive and authentic form, so that in a distant country, where proof of the falsity of this slander may not be easily obtained, you may not be embarrassed by it, in your negotiations.

The truth then is, that both of those Banks were created by the Legislature of the Illinois Territory, the first on the 28th day of Decm. 1816, and the other on the 9th day of January 1818.

In the month of August 1818, the Territorial Government was abolished by the adoption of a State Constitution and the subsequent admission of Illinois into the federal union upon an equal footing with the original States. The Constitution then adopted and still in force, contains the following provision, "There shall be no other Banks or monied institutions in this State, but those already provided by law, except a State Bank and its branches which may be established and regulated by the General Assembly of the State as they may think proper."

The Banks of Illinois and Cairo came under the description contained in this article as "being already provided by law," and the charter of the Bank of Illinois would have expired by its own limitation on the 1st day of Jan. 1837, if the General Assembly of the State had not on the 12th day of Feb 1835, renewed and lengthened it out.

There have always been many intelligent persons of both political parties who conscientiously [*sic*] beleived [*sic*] that under the Constitution quoted above, the General Assembly had no power to extend that charter. They believed it to have been the intention of the framers of the Constitution, to have but one Bank and its branches in the State; and that the provision in favor of such Banks as had been "already provided by law" was inserted merely by way of protection to existing charters; intending that those Banks should forfeit no right acquired by Territorial legislation, but at all events cease to exist with the law creating them, and give place to the sole dominion of a State bank thereafter, in the power of the Legislature to establish. And it was in virtue of this belief that a large number of the Members of the General Assem-

bly at the late session voted for a repeal of the law extending the charter of the Bank of Illinois.

It is also a fact that the Bank of Illinois continued to do business under its Territorial Charter until about the year 1821, at which time it ceased business, and never had any kind of organization whatever until the year 1835.

Thus a space of time had intervened of about 14 years, during which time it was to all intents and purposes defunct in point of fact; and this hiatus in its operation was regarded by many as an effectual cessation of existence; leaving nothing to revive or continue by the act of 1835.

Others objected to it because it had been notoriously insolvent, in the usual acceptation of the term, for most of the time since the year 1837; having been nearly all that time in a state of suspension of specie payments, and as most of the members of the General Assembly were of opinion, in open breach of its charter. By means of which the people of this State complain of immense loss and injury from the great expansion of its circulation and the consequent depreciation of its notes in their hands. This has been the condition not only of the Bank of Illinois, but of the State Bank, and the Bank of Cairo; and this condition of things has been borne by the people of this State, until endurance ceased to be a virtue. They consequently were bound, not only by the laws of self preservation; and good neighborhood to the people of the adjacent States and Territories who suffers [*sic*] equally with themselves, to drive those banks into an honest and faithful discharge of their duties; or to abate altogether the nuisances by which they had hitherto been annoyed. The State Bank was brought to a sense of its duty and under a law passed at the late session has gone into voluntary liquidation.

The Bank of Illinois, for a time, openly declared its intention to set the power of the Legislature at defiance; and to continue the nefarious system of banking in which it had been engaged for many years past.

The Bank of Cairo never accepted of its Territorial charter nor was any Stock ever subscribed, or any kind of organization attempted until about the year 1837. Thus a period of 19 years had elapsed without any visible sign of its existence; when it suddenly came into being as a new creature, under pretence of an old Charter, the memory of which had come down to but few of the present generation; and which many intelligent persons believed was entirely defunct by reason of long and continual non use.

This latter bank also, as I am informed, and as it was generally

believed by the General Assembly, never paid specie for its liabilities at any time. It went into operation under a general suspension of specie payments and availed itself of the general delinquency of banks in this respect, to put itself upon an equality as to credit with the best of them; and by this means obtained such a circulation for its paper, and so expanded its discounts that it could never have hoped to have redeemed its notes with gold and silver coin.

It was understood, also, that the bank of Cairo had abandoned whatever of a pretended charter it had theretofore laid claim to, by an assignment of all its effects, and a voluntary resignation of all its directors and officers, without any elections to fill the vacancies thereby occasioned.

The law of repeal therefore could not have been an act of violence, and could only have been intended to prevent any future resurrection of this swindling concern.

Under these circumstances the Legislature believed that if those banks ever had any legal and constitutional existence, the law of their being had been so repeatedly and constantly violated by the banks, that the State as one of the contracting parties was no longer bound by the contract implied in their charters. They believed it to be fully competent for the Legislature to repeal a charter when it had been repeatedly and notoriously violated by the corporators; when it had altogether ceased to answer the purposes for which it was enacted; and when its very existence was a nuisance to all the country round, within and without the State.

You will therefore not fail to perceive that the repeal of these charters, does not at all demonstrate that the dominant party in this State are so reckless and desperate, and so little regardful of private rights that they would wantonly and wilfully repeal even the charter of a bank if it should appear that legal and constitutional charter existed; or unless [*sic*] the corporation had it-self first openly and notoriously set the law of its being at defiance; and this power I believe is not only claimed but exercised by most of the States of the Union.

And these repealing laws do not at all prove that the Legislature claim to repeal a legislative grant of land; where money has been advanced on the faith of it in works of internal improvements I think I may venture safely to affirm that there is not any one man in the State of Illinois either in or out of the Legislature, who believes or contends that a legislative grant of lands, or any interest in real estate, consum-

mated by an advance or expenditure of money, can be repealed or nullified by any power on earth.

But further, to show conclusively that the Legislature of this State do not hold to or act upon principles tending to the destruction of private rights, and to the invasion of private property, but only intend as a matter of police to exercise the power of compelling corporations, as well as individuals, to obey the laws, and so to use their property as not to annoy their neighbors. I have furnished you with true copies of all the laws enacted at the late session on the subject of banks. By which you will perceive [*sic*] that altho the General Assembly greatly desired to get rid of our broken and rotten banking system, yet in accomplishing that desirable object, you can not fail to discover abundant evidence of a tender solicitude for private rights, in the mode adopted for winding them up. You will also perceive, that the law repealing the charter of the bank of Illinois is accompanied by another which enables it on favorable terms for creditors, stockholders, and all interested, to go into a voluntary liquidation under the direction of its own officers.

It may be asked with reason, of what valuable property has [*sic*] those banks been deprived? Can it be contended that a franchise for banking is valuable property when the Bank itself is insolvent, and by the very fact of hopeless insolvency it is unable to exercise any of its functions without fraud upon the whole community.

All of which I hereby certify to be true, under my hand and the great Seal of State the day and year first herein above written.

THOMAS FORD

INSTRUCTIONS TO ELIJAH ADAMS AND JOHN M. KELLY

1. Mr. Adams and Mr. Kelly, in estimating the value of the land, will take into consideration the value of State bonds and scrip.

2. In estimating the value on work done, materials &c. they will take into consideration the original cost and subsequent deterioration, together with the value of State bonds and scrip. They will provide themselves with the reports of the Board of Public works, showing the original costs, and they will take into consideration also, the price at which the work could be done, the materials furnished, and the right of way purchased, according to the present prices of labor, provisions, and lands.

3. They will begin first on the Central railroad at the mouth of the Ohio, and proceed north, valuing and noting the land along the line,

belonging to the State; and estimating the value of the work done by separate sections of one mile each.

4. They will be furnished with one hundred and fifty dollars each, advanced to pay their expenses and compensation, both of which are rated at three dollars per day; and they will be required to use the utmost despatch, beginning at the mouth of the Ohio, on the 1st Monday in May.

THOMAS FORD

SPRINGFIELD March 15 1843

DEAR SIR: You inform me that you have a proposition to make to the Executive Authority of this State for a purchase of rail road iron & that it is your intention to visit Meredosia, Alton and Shawneetown for the purpose of ascertaining the amount at those several places belonging to the State

If you do so I have to request that you will call on Mr Conn and either of the Messers Thompsons at Meredosia, and get them to certify the amount of rail road iron at that place.

At Alton it is my request that you will call on Col. Buckmaster and some of the Inspectors of the Penitentiary and get them to certify the quantity on hand there and also the amount of the same which will be necessary to be retained for Penitentiary purposes.

At Shawneetown you will please call on Mr John Marshall¹ and get either him or the Sheriff of Gallatin County to certify the amount on hand at that place.

I am most respectfully Yours &c

THOMAS FORD

Mr. H. Bigelow

SPRINGFIELD March 15 1843

HON JOEL A. MATTESON²

SIR: You named to me during the Winter that you wished to purchase a lot of rail road iron belonging to the State. Mr. Bigelow has

¹ John Marshall: June 7, 1814, appointed justice of the peace of Gallatin County by Governor Ninian Edwards; August, 1815, appointed judge of the County Court for Gallatin County; January 10, 1816, appointed judge of the County of Gallatin for three years; April 13, 1816, appointed justice of the peace of Gallatin County; 1818-20, representative in the General Assembly (*Illinois Historical Collections*, IV.; *Blue Book of Illinois*, 1905).

² Joel A. Matteson: born August 8, 1808, at Watertown, New York; in early life taught school and engaged in business; 1831, began work as foreman on the first railroad

returned here and wishes to buy the whole lot on hand at \$45 per ton in internal improvement bonds and scrip for the president of the Board of Public Works in Michigan as he says I hope you will let me know how much you want; what price you will give and how soon it can be paid

I am most respectfully

Your most obedient

Servant

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD March 27th 1843

I Thomas Ford Governor of the State of Illinois by virtue of power and authority in me vested, do hereby appoint John Dougherty of the County of Union to act as agent of the State of Illinois, and as such agent I do hereby authorize the said John Dougherty¹ in my name, and in the name of my successors in office, to sign, seal and deliver any lease or leases, which may be necessary to let such part or parts of the Depot lands belonging to the State of Illinois at Cairo to all such persons as have, or shall erect buildings thereon reserving a rent therefor payable to me or my successors in office for the use of the State.

In testimony whereof I have here unto set my hand and affixed (L. S.) the Seal of State this 27th day of March A. D. 1843.

By the Governor

THOMAS FORD

Thompson Campbell,² *Secretary of State*

in South Carolina; 1834, removed to Illinois; contractor on Illinois and Michigan Canal; engaged in manufacturing at Joliet; 1842-53, state senator; January 10, 1853—January 12, 1857, governor of Illinois; 1855, unsuccessful candidate for United States Senate; traveled extensively in Europe after retiring from office; lived in later life in Chicago; lessee of Chicago and Alton Railroad; died in Chicago, January 31, 1873 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

¹ John Dougherty: born May 6, 1806, at Marietta, Ohio; 1808, taken by his parents to Cape Girardeau, Missouri; 1812, removed with his mother to Jonesboro, Illinois; read law under Colonel A. P. Field; 1831, admitted to the bar; 1832-38, representative in General Assembly; 1840-42, same office; 1842-48, state senator; 1858, Buchanan candidate for state treasurer; 1861, supported President Lincoln; 1864, Republican presidential elector at large; January 11, 1869—January 13, 1873, lieutenant-governor of Illinois; 1872, Republican presidential elector; August 20, 1877, elected judge of First Circuit; died at Jonesboro, September 7, 1879 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

² Thompson Campbell: born 1811, at Kennett Square, Chester County, Pennsylvania; attended school in Butler County; educated at Butler College, Canonsburg, Pennsylvania; read law in Pittsburg; removed to Galena, Illinois; March 6, 1843—December 23, 1846, secretary of state; wrote first public school report of the state; 1847, member of the Con-

HON. JOHN DOUGHERTY

As a qualification of the authority given by the within letter of attorney you will consider that before any lease to be made by you shall be binding on the State it must be submitted to the Governor for his approval.

I am at a loss to determine whether a long or short term would be most advantageous. If you should be of opinion that a long term would be best, be pleased to communicate to me the reason for your opinion. It would also be proper to insert a condition in each lease, that the State or its grantee, in case a rail road should ever be made leading into the City of Cairo, should have a right to resume the ground, and the lessee to remove his buildings and other improvements without any claim for damages on either side.¹

I am your most obedient

Servant

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD ILLINOIS April 3 1843

HIS EXCELLENCY THOMAS REYNOLDS² GOVERNOR OF THE STATE OF MISSOURI,

SIR: I have this day received your communication of March 25 1843 on the subject of the requisition of the Executive of Missouri, demand-

stitutional Convention; 1851-53, representative in Congress; 1853, removed with his family to California at which place he settled private land claims; 1885, resumed practice of law; 1859, visited Europe; 1860, returned to Illinois; 1860, elector at large on Breckenridge ticket; stumped Illinois and Wisconsin; 1861, returned to California where he resumed legal practice; strong supporter of Union; became Republican leader of California; 1864, delegate to Republican National Convention at Baltimore; member of General Assembly of California; died at San Francisco, December 6, 1868 (Palmer, *Bench and Bar of Illinois*; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

¹ In selling or mortgaging depot lands at Cairo, the governor was empowered to reserve the right of occupancy to any person resident thereon for a period not exceeding three years (*Laws of Illinois*, 1842-43, 203). Mr. Dougherty reported that it was impracticable to make leases advantageous to the state, and demanded no compensation (*Illinois House Reports*, 1844-45, 150).

² Thomas Reynolds: born March 12, 1796, in Bracken County, Kentucky; 1817, admitted to bar; emigrated to Illinois about same time; 1818-22, clerk of lower house, General Assembly; August 31, 1822-January 19, 1825, chief justice of Supreme Court of Illinois; 1826-28, representative in General Assembly; 1828, removed to Fayette, Howard County, Missouri; member of Missouri legislature; circuit judge in Missouri; 1841-44, governor of Missouri; February 9, 1844, committed suicide (*National Cyclopaedia of American Biography*).

ing the arrest and delivery of Richard Eels¹ which communication I assure your excellency shall receive from me the careful and dispassionate consideration which its importance requires; the result of which shall be notified to you at the earliest moment.

I have the honor to be

Your Excellencies [sic] Most

Obedient Servant

THOMAS FORD

SPRINGFIELD April 17 1843

MESSRS OAKLEY & RYAN,

GENTLEMEN: I have not obtained any money for you as yet, but I send you a draft on the Farmers & Merchants Bank of Baltimore where I am just advised by my agent Mr. Levering I have money deposited. The residue will be drawn before you can draw this.

I also desire you to see Messrs Ruggles & Howe of N. Y. and ascertain upon what terms they will give up to you all the papers in relation to the business of the State in their hands, consisting as I am informed of a draft of the City Bank of Buffalo drawn on and accepted by the Bank of Tonawanda and other papers relating to the Delafield affair.²

I have been informed that the Vice Chancellor of New York has decreed them a certain sum of money for their fees, and that they hold those papers to secure payment.

I hereby authorise you to make an arrangement with them to get the papers and when you get the Tonawanda draft, get as much of the money on it as you can and pay them the amount of their demand,

¹ Richard Eells (Eels): born February 25, 1800, in Barkhamsted, Connecticut; September 4, 1826, married Miss Jane Bestor, at Simsbury, Connecticut; 1830, removed to Quincy, Illinois, where he was actively engaged as a physician; radical anti-slavery man and active in the "underground railroad"; made defendant for many suits brought against him for aiding escaped negroes; one time, at least, Dr. Eells was caught while conducting a fugitive from his home in Quincy to the next station of the "railroad"; the case was finally settled in the Supreme Court of the United States; many expensive trials and law suits at last impoverished Dr. Eells to such an extent that he even lost his large brick residence in Quincy; persecuted by the radical pro-slavery men, he fled to Chicago in mid-winter; 1846, candidate for governor of Illinois on "Liberty party" ticket, receiving 5,154 votes; was prominent member of Congregational Church at Quincy; one of the founders of the Mission Institute near that city; died October, 1846, while journeying to the East, and is buried at Simsbury, Connecticut (Rev. Dudley Eells, Payson, Illinois, private letter to editor; *Blue Book of Illinois*; Asbury, *Reminiscences of Quincy, Illinois*).

² April 23, 1839, John Delafield bought 300 \$1,000 bonds, upon which he paid \$150,000 but refused to pay the balance. In prosecuting the claim a law firm, Ruggles & Howe, was employed by the state. Afterward a misunderstanding regarding the fees arose.

and if you cannot get the money immediately, make such an arrangement that Ruggles and Howe will be sure to get their money when it is obtained; but do not pay them one cent until all the papers in their possession shall be delivered. Consult with I. M. Reynolds Esqr Attorney for the State. I hereby authorise and empower you to settle the suits against them and also against Nevins & Townsend in relation to the Tonawanda draft and delivery of the papers.

I also authorise you to make an arrangement to deposite the residue of the money obtained on that draft with Price, Ward & King. —I am informed that Mr. Reynolds has been kind enough to be security for costs for the State and intend enough of that balance to be retained so as completely to secure him his fees, and also to pay him for his services as the Attorney of the State. I wish Mr. Reynolds to write me a full account of the present state of our business in his hands. I am informed that there is now ready about \$10. or 12.000. to be paid on the Tonawanda draft and if you can get the two thousand dollars over and above what will pay Mess Ruggles & Howe, you may take that money and return me the draft, or if you should deem it advisable to collect the Baltimore draft you can deposite the amount with Messer Price, Ward & King, subject to my order.

The draft on Baltimore is for New York funds, for in such money the Bank there has engaged to pay.

When you receive the money send me your account and receipt for the same in due form for a voucher for the Auditor to issue his warrant.

Respectfully Yours

THOMAS FORD

The President, Directors and Company of the Farmers and Merchants Bank Baltimore at sight will pay Charles Oakley and Michael Ryan or order the sum of two thousand dollars in New York funds current in the City of New York and charge the same to my account.

Springfield Illinois April 17th 1843

THOMAS FORD

UNITED STATES OF AMERICA

STATE OF ILLINOIS

I Thomas Ford Governor of the State of Illinois by virtue of authority in me vested, reposing especial trust and confidence in the honor integ-

rity and capacity of Col. Charles Oakley, and the Honorable Michael Ryan, one of the Senators of this State in the General Assembly, do by these presents appoint them my agents on behalf of the State of Illinois to negotiate a loan of One million six hundred thousand dollars at a rate of interest not exceeding six per cent per annum, solely on a pledge of the Illinois and Michigan Canal, its tolls, revenues and lands belonging thereto, according to the terms and conditions of an act entitled "An act to provide for the completion of the Illinois and Michigan Canal and for the payment of the Canal debt," approved February the twenty-first in the year of our Lord one thousand eight hundred and forty three; and in pursuance of the following rules and regulations, to wit:

- 1st The said Oakley and Ryan will give the preference to the holders of Canal bonds and other evidences of indebtedness issued for the purpose of completing the said Canal; and for that purpose they, the said Oakley and Ryan will endeavor to procure a meeting of all such holders of Canal bonds or other indebtedness, or their authorized agents, either in the City of New York or in the City of London; and ascertain the number and amount of indebtedness held by each, and if it shall appear that there are present at such meeting a number of holders of bonds and other indebtedness and to such an amount that they will be willing to subscribe for the whole loan of One million six hundred thousand dollars, then the said Oakley and Ryan are to apportion the said loan amongst them in proportion to the amount of canal bonds or other indebtedness aforesaid, held by each of them, and permit and require each holder to subscribe for such loan according to such proportion and not otherwise.
2. If the Canal bond holders shall neglect or refuse to subscribe as aforesaid for thirty days after notice of their right to a priority in subscribing, then the said Oakley and Ryan will permit any other holders of Canal bonds or other evidence of indebtedness as aforesaid to subscribe for said loan according to the foregoing regulation; and if such other holders of Canal bonds or other evidence of indebtedness shall fail or refuse to take the whole of such loan within ten days thereafter, then the said Oakley and Ryan are to permit any other person or persons, body politic or corporate to subscribe for and take so much of the said loan as may remain unsubscribed for by such holders of bonds or other evidence of indebtedness as aforesaid.
3. At the time of subscribing by any holders of Canal bonds or other evidence of indebtedness as aforesaid he will be required to file with

the said Oakley and Ryan as agents of the Governor of this State a brief description of such bonds or other evidence of indebtedness as aforesaid held by him, by the number, sum, date and time of payment of each, by whom signed and to whom made payable and each subscriber shall be entitled to one vote for each share of one thousand dollars of stock held by him, in the election of trustees.

4. The money subscribed may be paid at any place in England or in the United States. But if paid in England, then each subscriber shall be required to pay the full amount subscribed, in such funds as shall be at par at the place where the same shall be paid, so that the fund constituted by such loan shall have the benefit of the difference of exchange between Illinois and England, and in such case all such sums of money shall be repaid in England in funds which shall be at par in England. But if such loan shall be subscribed for to be paid in any place in the United States of America or other country, then the same shall be paid in such funds as shall be at par at such place of payment and shall be repaid in like funds.

And I do hereby ratify and confirm all the acting and doings of my said Agents, which shall be according to the provisions of the above recited act, and the rules and regulations herein contained; and do recognize their said acts to be as fully binding upon the State of Illinois as if I were personally present acting and doing thereof myself.

In testimony whereof I have hereunto subscribed my name and affixed the great Seal of the State of Illinois. Done at Springfield (L. S.) in said State this Seventh day of March in the year of our Lord One thousand eight hundred and forty three.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD, April 13, 1843

TO HIS EXCELLENCY THOMAS REYNOLDS,
GOVERNOR OF THE STATE OF MISSOURI,

SIR: A great press of official business of an urgent character, has hitherto prevented me from answering, at large, the various matters contained in your esteemed favor of the 25th of March last. But, I have availed myself of the first interval of leisure, to bestow upon your communication, all the careful and dispassionate consideration which

the importance of the subject, and the high respect entertained by me, for your excellency, demand at my hands.

And permit me to assure you, that no one feels more deeply than myself, the obligation of promoting and maintaining amongst the States of this Union, the utmost harmony and reciprocal regard for each other's rights. The people of this State recognize in the fullest manner, the perfect right of the people of Missouri, to make and execute such laws, in relation to persons and property, within their own jurisdiction, as may seem good to themselves, without any interference on our part, either in making or executing those laws.

This is the disposition and feeling of ninety nine out of every one hundred of our citizens; who look with indignation and abhorrence upon the conduct of an incendiary and misguided few amongst us, who have interfered, and are disposed to continue that interference, with the right of the people of Missouri, to a class of persons there made private property by the constitution and laws of your State. In that disposition and feeling, I myself, fully participate with the great mass of the people here.

It cannot be, therefore, that I could be indisposed to exert all the lawful power, which the constitution and the laws have put into my hands, to redress any injury which a citizen of this State may inflict upon a citizen of Missouri, in regard to a peculiar species of property secured to your people by their laws.

With these principles steadily in my view, and animated, as I think I am, by a just appreciation of the rights of the people of both States, I now proceed to answer your Excellency's communication.

The document which you are pleased to quote as a proclamation of mine, was intended merely as a simple statement of facts, which the evidence submitted to me fully proved; and was never intended as an argument. In that document are matters, it is true, which are stated by way of inference, which I am perfectly willing to relinquish; and which were not necessary or intended to be relied on by me, as a justification for revoking the warrant theretofore issued. And if any thing therein contained is offensive to any citizen of Missouri; or derogatory to the character of your courts, for a due and faithful administration of justice, it is my wish that such subjects should be no longer a matter of offence, or of controversy. I therefore cheerfully withdraw all inferences, in that document, which may be construed in any wise as reflecting upon any citizen or tribunal in your State.

The case then, is simply this: An indictment was found in Lewis county, Missouri, in the month of November last, against one Richard Eels,¹ for stealing a Negro slave, from a citizen of your State. It was alledged [*sic*] that Eels was a fugitive from justice, and had escaped to the State of Illinois.

Your Excellency, being applied to, made a requisition upon the Executive authority of this State, for the arrest and delivery of Eels, to the authorities of Missouri, to be tried on that indictment. A copy of the indictment certified as authentic, by your Excellency, accompanied the requisition; and in that requisition, your Excellency states, that it appears by the record of that indictment, that Eels is a fugitive from justice; and that it had been suggested to you, that he had fled to Illinois. This requisition and the accompanying copy of the indictment, were presented to me by Col. James A. Richardson, the agent of the State of Missouri, appointed by your Excellency, to receive the person demanded when he should be thereafter arrested. And before I issued the warrant for the arrest of Eels, I interrogated your accredited agent, as to the identity of the person charged and sought to be arrested. He assured me that it was one Doct Richard Eels of the City of Quincy in this State. It was not pretended that it was any other person. The warrant was duly issued and put into his hands. But subsequently, I was furnished with a great mass of written testimony, too voluminous to be set forth in this letter, which completely satisfied me; and which in my judgment, was sufficient to rivet conviction in the mind of any other person, that Doct. Richard Eels of Quincy aforesaid, the person pointed out and identified to me by your accredited agent, as the individual charged with the offence, and intended to be arrested, was wholly innocent of the charge; and that not having been in Missouri for the space of two years, and particularly, about the time the offence alledged [*sic*] and understood to have been committed, he could not have been a fugitive from there. Being, as he was, a practicing physician, and therefore, being all the time publicly about in the city, your Excellency will not be surprised to learn, that it was no hard matter for him to prove an alibi, by the most conclusive evidence; and in the same manner by proving himself to have been all the time within the State of Illinois, to establish beyond contradiction, that he could not have been a fugitive from justice in Missouri. This evidence being furnished me, I felt no hesitation in revoking the warrant granted for his apprehension.

¹ See note 1, *ante*, 66.

In so doing, it was not my intention to determine the question of his guilt or innocence, except incidently [*sic*], so far as the question of guilt was necessarily connected with the personal identity of the individual charged, and with the evidence to establish the negative proposition that he was *not* a fugitive from justice. You quote the decision of the supreme Court of New York, in the matter of Clark, to prove that the record of an indictment in Missouri, is, by the Constitution of the United States, to have the same faith and credit in the State of Illinois, as it is entitled to in Missouri; and from thence you infer, that if Eels had been arrested in Missouri; as no court could have enquired into his guilt or innocence, except upon a final trial; so no court or authority here could enquire into the same facts without giving less credit to the indictment, than it is entitled to by the Constitution of the United States.

If it were necessary to controvert your position, it would be easy to produce another decision of the same court, tho' not by the same judges, in which it is held that the constitution of the United States in relation to the effect of record evidence, has no application to criminal proceedings.

But, it is, I apprehend, wholly unnecessary to discuss this point, I am perfectly contented with the law as you assert it to be. And the question between us, appears to be, then, simply this: May it not be determined that Doct Eels was not a fugitive from justice, without contradicting or disparaging any record of your State?

Your Excellency will remember that the constitution and laws of the United States, require in a case like the present, not only that a charge should be made, but that the individual charged should have fled from justice. The one is just as necessary as the other. You will also be pleased to remember that you have not furnished me with any evidence whatever, that either this or any other Richard Eels had escaped or fled from Missouri. It is true, that the requisition of your Excellency states, that it appears by the accompanying record of the indictment that Eels was a fugitive. But upon referring to that record I find no hint or insinuation whatever, that any person had fled from Missouri. This recital of your Excellency, (which was evidently a mistake shown by your own record) and the further statement, that it had been suggested to you that the said Richard Eels had fled to the State of Illinois, is all the evidence with which I have been furnished, of the truth of this important fact. To deny then that Richard Eels, who was identified to me by the agent



of Missouri as the person charged with the offence, was a fugitive from justice, is not to deny the truth of any record of Missouri; nor in fact the truth of any other evidence furnished me by your State.

There may have been two men of the same name and if I am forbidden by the constitution of the United States to dispute the truth of the indictment, the most charitable conclusion, and perhaps the proper one, in justice to the grand jury who found that indictment, is, that *some* Richard Eels is guilty of larceny, as charged, but that he was another and different Richard Eels from the man designated to me by your agent. In making this suggestion, I do not wish to be understood as reflecting in the slightest degree upon Col. Richardson, who, I was informed by many persons, and particularly by my honored predecessor in office, was a highly respectable citizen of your State. But I do mean to say, that the mere statement and assurance of a person, however respectable he may be, is not sufficient evidence upon which a public functionary is obliged to act in a matter of great moment to the liberty of a citizen. Nor is it such evidence that it can not be contradicted.

The only evidence before me to prove that this Richard Eels was the person who stood charged by the indictment, and that he had fled from justice, was, as I have said, the recital in the requisition by your Excellency, which a reference to the record showed to be a mistake on your part; the further statement that it had been suggested to you that Eels was a fugitive; which suggestion might, or might not be true; as your Excellency has not declared your own belief of the fact; and the assurance of Col. Richardson, that Doct. Eels of Quincy aforesaid, was the person charged in the indictment and that he had fled from justice to this State. In all this I can perceive nothing which in a disputed case would be conclusive on the questions of identity and fleeing from justice. And yet your Excellency will readily perceive that evidence of identity, in a case where identity is disputed, is absolutely essential to make the person sought to be arrested the subject matter of the charge; and evidence of fleeing from justice would be just as essential to bring the case within the constitution and laws of the United States. I do not mean to say, that positive evidence of identity is necessary in every case of a demand for a fugitive criminal. But I apprehend that there is no question, but that evidence relating to the personal identity of the accused, would be heard on the return of a writ of habeas corpus, by the courts of both this State, and of the State of Missouri.

But the question may be asked, why not suffer the arrest to be made, and then leave the matter to be decided by the courts of Justice on a writ of habeas Corpus? The obvious answer to this, seems to be, that every executive warrant of arrest contains a recital, that the individual sought to be apprehended is a fugitive, the truth of which allegation the courts might have no authority to enquire into. Nor, can the affirmative of this question be maintained, unless we assume that the Governor of a sovereign State, in granting an executive warrant, has no discretion—can enquire into nothing; but acts merely in a ministerial capacity.

The Constitution of the United States is silent, as to the agent in making the arrest. It does not impose this duty upon the Governor. It simply provides that "a person charged in any State with treason, felony or other crime; who shall flee from justice, and be found in another State, shall on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

Thus, the constitution does not say who the demand is to be made upon; nor does it impose it, as a duty of the Governor to issue his warrant for the apprehension of the fugitive. But leaves it to Congress, by after legislation, to make provision for carrying this clause of the Constitution into effect. Congress has done so, by their act of Feb. 12, 1793. This act provides that when ever the Executive authority of any State of this Union, shall demand any person as a fugitive from justice, of the Executive authority of any such State, and shall moreover produce the copy of an indictment found, charging the person so demanded with having committed treason, felony or other crime, certified as authentic by the Governor of the State from whence the person so charged fled, to cause him or her to be arrested, secured and delivered &c. Thus you see, that this duty was imposed upon the Governor by an act of Congress; and that Congress could just as well have devolved it upon some officer of the United States Government. But they preferred to give the power to the Governor, the highest Executive authority of a sovereign State. No doubt, but that Congress well considered the Constitutional and political character and functions of the officer to whom power was given, and whose duties were intended to be regulated.

They well knew that the States were sovereign and independent, so far as not restrained by the federal Constitution; and that the Gover-

nors of the same, were co-ordinate branches of their respective Governments, invested with the high power of seeing the laws duly executed; a power, the proper exertion of which must necessarily involve the exercise of a wise and sound discretion in numberless instances. And is it to be contended that it was the intention of Congress to reduce this high functionary to a mere ministerial automaton, in the discharge of a duty of vital interest to the liberty and happiness of the people over whom he is called to preside?

The opinion is exceedingly predominant in my mind, that Congress in selecting the Governor of a sovereign State, neither appointed by, nor responsible to the federal Government; and whose duties frequently involve the highest discretion; in preference to one of their own officers, whom they could absolutely command; intended, that he should exercise this power, and perform this duty, in a manner befitting his known political character; and homogeneous with the discharge of his other duties. This opinion is greatly strengthened, by reflecting upon the nature and character of a State Government, whose highest Executive officer he is. It will not be disputed at this day that the States are sovereign and independent, so far as they are not restrained by the Constitution of the United States. This sovereignty and independence would be greatly crippled, if not annihilated if Congress, in numerous instances, should invoke the agency of Governors of the States for the accomplishment of federal purposes: and could at the same time reduce them to act in a mere mechanical, ministerial capacity; and totally divest them of all judgement [*sic*] and discretion in performing their high behests.

In all cases where Congress have conferred jurisdiction upon the State judiciary, another co-ordinate branch of the State Governments, the Supreme Court of the United States has repeatedly decided, that it was optional with the State Courts, whether they would take jurisdiction or not: and I cannot perceive why Congress has not as much power to command a State Legislature, what law to pass in order to carry out some principle or power of the federal Constitution, as to command the Governor. The two are equally co-ordinate branches of the same sovereign State Government; neither of them appointed by, or amenable to the federal government; and the independence of both necessary to be preserved, in order to preserve the independence of the States, whose officers and servants they are.

This however, is a question which I do not wish to raise or rely upon. The sort of Executive discretion contended for by me, is not a discretion to set the law at defiance; but a discretion to enquire, to judge and determine upon the merits of each particular case, according to its own peculiar circumstances, whether it has been brought within the true meaning and spirit of the Constitution of the United States.

The first and highest duty of a Governor, is to the people of his own State; and this position is in perfect accordance with the benevolence and charity which should characterize the intercourse among mankind; that which is nearest home having the first claim to our aid, protection, and sympathy. This is not only a principle of nature and morals, but is also the very foundation of our political system. The State Governments were erected upon this principle, and so intended to be administered. It was foreseen that central Government, representing all the States, would feel no such sympathy for local interests as would insure a perfect protection for persons and property in each individual State. For this reason the State Governments have ever been esteemed the most competent for local administration. The Governor of course is to act in accordance with the genius of the Government whose principal Executive officer he is. I do not mean by this that the Governor is to screen the guilty from punishment. This is not protection. But in attempting to punish the guilty, he ought to take care that the blow intended for crime, shall not fall upon innocence. When [an] innocent citizen of his own State appeals to him for protection, the principles of Nature and Morals, and the genius of the Government whose organ he is, alike call on him not to withhold his hand.

Congress could, undoubtedly, have vested the power of issuing a warrant for the apprehension of a fugitive criminal in the president of the United States; or in some other officer of the federal Government. They have not done so. They must have foreseen that the investment of such a power, in such an officer, would, most probably, be productive of many hard cases of injustice and oppression. They therefore to avoid this evil no doubt, preferred to give this power to such an officer as would be directly responsible to, and peculiarly the representative of the individual sought to be arrested; and who would necessarily feel a more tender concern for the rights and liberties of the people of his own State.

Upon what principle then is it, the Governor is to be deprived of all

discretion and judgement [*sic*] in the performance of this important duty? How is he to be made a blind instrument to oppress one of his fellow citizens? To be made a mere tool in the hands of a neighboring State to spirit away an innocent person to be put to great expense, to be vexed harrassed and imprisoned, to be transported abroad from his family and home, merely that the Courts of a neighboring State may have the satisfaction of declaring him innocent?

Your Excellency complains that the judicial power of Missouri has not been confided in by me. Permit me to assure you, that I have the fullest confidence in the courts of Missouri; and if the same evidence were produced before them, which was furnished to me, I do not doubt for a moment but that if the case of Eels should be submitted to a trial before them, he would be instantly acquitted.

If I have succeeded in establishing my right to enquire and judge whether Eels was a fugitive from justice or not, I respectfully suggest to your Excellency that I also have some reason to complain, that your Excellency has not confided in the decision of the Executive power of this State.

Both the Governor and the Courts, are to be confided in when exercising their appropriate functions, by all other constituted authorities.

I would again assure your Excellency, and through you, the people of Missouri, that the fanatical and misguided Sect called Abolitionists, meets with no countenance or encouragement from the people of this State.

At the present, there is no sympathy in their favor in the public mind. But a hard case of oppression; the arrest, imprisonment and transportation of an innocent man, under pretence of suppressing or punishing the excesses of a Sect, might, by needlessly and uselessly creating a popular sympathy in their favor, add to their numbers, swell the inconvenience of their fanaticism to the people of Missouri; and to make it more difficult to contend with by those here, who are disposed to maintain the just rights of your State.

I therefore respectfully request your Excellency to enquire particularly into the case of Doct. Eels; and if you find it such as I have described it, policy and justice alike forbid that your Excellency should pursue your demands any further. If, however, you can find any respectable testimony, that Eels was a fugitive from justice, so as to make the evidence already furnished on the other side of the question

at all doubtful, I am ready to issue another warrant, so that the conflict of evidence may be judicially determined.

I have the honor to be, very respectfully,

Your obedient servant.

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILL. 1843

I, Thomas Ford, Governor of the State of Illinois, do hereby appoint William M. Jackson,¹ of McHenry County, James Mitchell, of Winnebago County, and Gholson Kercheval,² of Sangamon County, as three discreet and skilful persons to go on to the jobs and lettings upon the Illinois and Michigan Canal, and appraise the actual damage which the respective contractors on the said Canal will sustain in being deprived of their contracts; and after being duly sworn before some justice of the peace, the oath to be endorsed hereon, to proceed in making said appraisal according to such rules and regulations as shall be prescribed by me, and shall accompany this appointment.

In testimony whereof I have hereunto set
my hand and [caused the great seal of
Illinois to be] affixed

THOMAS FORD

DIRECTIONS TO APPRAISERS OF DAMAGES ON THE CANAL.³

The appraisers of damages appointed under the 17th Section of the late Canal law, will observe the following rules—

1st. They will assess no damages in favor of any person until the contractors, or person to whom the contract has been regularly transferred, shall execute and deliver a writing under their hand signifying their consent that such appraisal of damages shall be made without allowing any prospective damages or profits which the contractors might have made had they finished their jobs.

¹ William M. Jackson: 1844-46, representative in General Assembly (*Blue Book of Illinois*, 1905).

² Gholson Kercheval: May 3, 1832, elected captain of militia of town of Chicago; 1838-40, representative in General Assembly; March 2, 1843, received 19 votes in joint ballot of General Assembly for auditor (*Blue Book of Illinois*, 1905).

³ This commission was authorized by act of General Assembly, February 21, 1843 (*Laws of Illinois*, 1842-43, 60). Assessed damages to the value of \$287,727.43 (*Illinois House Reports*, 1844-45, 150). See *ante*, lxvii, n.

2. All persons claiming benefit under any contract will be required to join And also all persons who could claim the benefit of the 16 & 17 section of the Canal law must join in signing such a consent.

3. No damages are to be assessed in favor of any person unless a written contract shall be produced. This rule is founded upon Mr. Morris' report last Winter; and altho' I am aware that the contractors understand the facts of the case different from what they are reported by the president of the Board, yet all public officers are to be governed by official reports of other public officers in preference to information otherwise derived.

4. The damages to be allowed will be for Machinery on the Canal, and for back per centage and scaleage, only.

5. No damages will be allowed for Machinery remaining on the line after the completion of a contract, or within a trifle of being finished.

6. No damages will be allowed for the full value of Machinery unless the owner will first execute a bill of sale to the State for, and put the acting Canal Commissioner in possession of the same.

7. The Contractors may have the option to give up the title and possession of the Machinery to the State, or they may retain the same, and have partial damages awarded to them; made up of the difference of its value at the time the work stopped and the value of it now.

8. No damages for Machinery will be allowed to Contractors who stopped work for any other cause than want of payment by the State.

9. In estimating damages for Machinery the appraisers must not rely solely on the evidence produced, but must see the machinery, for themselves, and determine according to their own best judgment upon all the sources of information accessible to them.

10. In estimating the damages for back percentage and scaleage, the appraisers will judge according to the legal effect of the contracts produced and the estimates to be furnished by the Chief Engineer and Acting Commissioner.

11. The damages under each head, of Machinery, back percentage, and scaleage, must be separately stated by the Appraisers.

12. If any appeal shall be taken, the Appraisers will report the same to the Governor with all other proceedings

13. The Acting Commissioner will superintend the assessment of damages on the part of the State, and will procure all the evidence in

his power to produce; and also witnesses in favor of the State. The State has no right to appeal.

14. In important cases, the Acting Commissioner will call in the aid of Hugh Henderson, Esq. whom I have requested in such cases to attend as Counsel for the State.

THOMAS FORD

N. B. The appraisers aforesaid will meet at Lockport on the 3rd Monday of May, 1843, and will be allowed three dollars and fifty cents per day, each.

THOMAS FORD

In each case the Appraisers will report the substance of the evidence, if any, and also their own opinions, upon view.

THOMAS FORD

UNITED STATES OF AMERICA,
STATE OF ILLINOIS.

Know all men by these presents, That I, Thomas Ford, Governor of the State of Illinois, one of the United States of America, and ex-officio Fund Commissioner¹ of said State, in pursuance of authority in me vested by the laws of said State, do nominate, constitute and appoint, and by these presents have nominated, constituted, and appointed Col. Charles Oakley and the Hon. Michael Ryan of said State, my true and lawful attorneys, and the true and lawful attorneys of the said State of Illinois, for me and in my name and style as aforesaid for the use of the said State, to ask, and demand, sue for and recover of any and all persons whatsoever in the kingdom of Great Britain, and Ireland, and more particularly of the assignee or assignees of John Wright & Co. late of the City of London, any sum or sums of money which may be coming to, or due to the said State of Illinois from the Estate of the said John Wright & Co. in the hands of the said assignee or assignees by whatsoever name or names he or they may be known. And I do hereby fully authorize my said attorneys to make, execute, seal, and deliver, all such receipts acquittances, discharges, and other vouchers or writings, which may be necessary, or required by the laws of England, or the rules of court, effectually and fully to discharge, acquit and release the said assignee or assignees from all further payment of the same. And I do hereby fully authorize

¹ Governor made *ex-officio* fund commissioner by act of legislature, approved and in force, March 4, 1843 (*Laws of Illinois*, 1842-43, 147-48).

and empower my said attorneys, to settle with and pay all the officers of Court in England, for their legal fees and demands properly chargeable against the said State of Illinois, including the said assignee or assignees, if any growing out of proceedings in Bankruptcy against the said John Wright & Co. And I do further fully authorize my said Attorneys to do and perform all such other acts and things as may be necessary and proper to be done, according to the laws and customs of England, and the rules of Court, to enable them, my said attorneys, to receive the distributive share of the State of Illinois in the estate of John Wright & Co. Bankrupts, as afore-said; and to do and perform all other acts and things necessary to accomplish any of the purposes for which this power of attorney is made. And I do hereby fully ratify and confirm all the actings and doings of my said attorneys as fully binding on me and the said State of Illinois in the premises as if I were acting and doing thereof my-self.

In testimony whereof I have hereunto set my hand and caused the great Seal of the State of Illinois to be affixed. Done at (L.S.) Springfield in said State, this fifteenth day of May in the year of our Lord one thousand eight hundred and forty-three.

THOMAS FORD

Governor

SPRINGFIELD May 15, 1843

MESSRS. RYAN & OAKLEY

I send you a power of Attorney to receive whatever may be due the State from the estate of Wright & Co. I hope it may be in proper form. The form which you speak of as having been furnished from England has never been in any of the offices here, and cannot be found.

I have not time to write to Gov. Carlin on that subject.

If you receive the money under this power, I wish you to dispose of it as follows.

I have been informed that there is still a balance of interest unpaid, Messrs. Hope & Co., due them July 1st-1841.¹ If any interest due at that time, remains unpaid it is no more than justice that it should now be paid, in order to put Messrs. Hope & Co. upon an equality with other creditors. I therefore direct, that you enquire into the matter, and

¹ Interest on public debt ceased July 1, 1841, partial payment resumed July 1, 1846.

pay to Messrs. Hope & Co. all interest due them on the 1st July, 1841, and reimburse them all moneys which they may have advanced for the State, if any, to pay interest due at that time.

I am also informed that Magniac and Jardine or Magniac and Smith on the 1st July, 1841, advanced money to assist in paying the interest due at that time, and thus for the time saved the credit of the State. I desire you to enquire into the facts of their claim, and if you find it as above stated, they ought to be paid and I accordingly authorize you to pay them.

I am not aware of any other claims standing upon the same footing, and I according direct that you deposite the residue of the money received, if any, to my credit in the Bank of England, where it shall remain until I can enquire and be advised what ought to be done with it consistently with the honor of the State

I am most respectfully

THOMAS FORD

To all to whom these Presents may come,—

I, Thomas Ford, Governor of the State of Illinois, in the United States of North America, send Greeting:—

Whereas, by a contract or memorandum of agreement bearing date on or about the Twenty second day of August, one thousand eight hundred and thirty nine and made or expressed to be made between Moses Marshall Rawlings of Shawneetown in the County of Gallatin in the said State of Illinois and Charles Oakley of Tremont in the County of Tazewell in the State of Illinois Gentlemen being a majority of the then Fund Commissioners duly elected by the General Assembly of the said State of Illinois at the Session held for the said State for the years one thousand eight hundred and thirty eight and one thousand eight hundred and thirty nine for the purposes declared and set forth in an act of the Legislature or General Assembly of the said State of Illinois, entitled "An act to establish and maintain a general system of Internal Improvement" and two certain acts supplemental to the said act, and an act further to amend the said act of the one part and John Wright of Henrietta Street Covent Garden in the County of Middlesex and Kingdom of Great Britain of the firm of Messieurs Wright and Company Bankers, on behalf of himself and copartners of the other part. The said Moses

Marshall Rawlings and Charles Oakley as such majority of the said Fund Commissioners as aforesaid made arrangement with the late House or firm of John Wright and Company for the sale of Bonds or Certificates of the State of Illinois denominated Bonds or Certificates of Illinois Internal Improvement Stock for the total sum of one million five hundred thousand dollars or three hundred and thirty seven thousand five hundred pounds Sterling British money, subject to the provisions in the said contract or agreement expressed and contained. And whereas [in] pursuance of the said agreement, Bonds or Certificates of the said State of Illinois, or Illinois Internal Improvement Stock, to the amount aforesaid were accordingly delivered to and deposited with the said Messieurs Wright and Company for the sale on account of the State of Illinois as aforesaid and part of such Bonds or Certificates were accordingly sold by the said Messieurs Wright and Company, And whereas the said Moses Marshall Rawlings and Charles Oakley have ceased to be or to act as such Fund Commissioners as aforesaid and the Board of Fund Commissioners elected for the purpose of the said act of the General Assembly entitled "An act to establish and maintain a general system of Internal Improvement," has ceased to exist, and pursuant to the provisions of an act entitled "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois," John Davis Whiteside has been duly elected by the General Assembly of the State of Illinois sole Fund Commissioner of the said State, and whereas a fiat in Bankruptcy under the hand of the Lord High Chancellor of Great Britain has been duly issued against Anthony George Wright Biddulph[,] John Wright[,] Henry Robinson and Edmund William Jerningham being the persons constituting the said firm of Messieurs Wright and Company under which they have been adjudged and declared Bankrupts, and whereas under or in pursuance of an order of the Court of Review in England bearing date the thirteenth day of January one thousand eight hundred and forty two, made in the matter of the said Bankruptcy on the petition of the said John Davis Whiteside, a debt of thirty three thousand nine hundred and thirteen pounds nine shillings and eight pence or thereabouts has been proved by or in the name of the said John Davis Whiteside as Fund Commissioner for and on behalf of the said State of Illinois against the estate of the said Bankrupt.

Now the[se] presents witness that I the said Thomas Ford as Governor

of the said State of Illinois for divers good causes and considerations me hereunto moving have made ordained constituted and appointed and by these presents do make constitute and appoint and in my respective place put Col. Charles Oakley and the Hon. Michael Ryan of the said State of Illinois, as my Attorneys for me in my name as such Governor as aforesaid or otherwise on behalf of the said State of Illinois to ask demand sue for recover and receive of and from the assignee or assignees for the time being of the estate and effects of the said Anthony George Wright Biddulph[,] John Wright[,] Henry Robinson and Edmund William Jerningham or any or either of them or of and from any other person or persons in Great Britain liable or entrusted to pay the same, all and every dividend and dividends, sum and sums of money now due or payable or which shall or may become due or payable upon or in respect of the said debt proved by or in the name of the said John Davis Whiteside against the estate of the said Messieurs Wright and Company or otherwise for or on account of the said Illinois Internal Improvement Bonds or Certificates so delivered to or sold by the said Messieurs Wright and Company as aforesaid and on receipt thereof or of any part or parts thereof to make sign seal execute and give all necessary and effectual receipts releases and discharges whatsoever for the same and in case of non-payment thereof or of any part thereof to commence present and prosecute or defend any action or actions, suit or suits, petition or petitions or other proceedings whatsoever either in Law or in Equity or in Bankruptcy against or by any person or persons whomsoever in respect of any of the matters and things aforesaid as my said Attorneys shall deem expedient. And also to examine adjust compound compromise and settle all accounts reckonings claims and demands whatsoever which are now unsettled between me or the State of Illinois or the Fund Commissioners or fund Commissioner thereof and the said Bankrupt or their assignees or any of them or any other person or persons in England touching or respecting or arising out of the said contract or agreement of the Twenty second day of August one thousand eight hundred and thirty nine or the said Illinois Internal Improvement Bonds or Certificates or in any wise relating thereto and to pay or receive as the case may be the balance if any which shall happen to be due or payable on the settlement of any such accounts and reckonings and to sign and present any petition or petitions in Bankruptcy and to tender any further or other proof or proofs under the said Fiat or any renewed Fiat against

the said Messieurs Wright and Company or against any other person or persons whomsoever, and also to submit any disputes or questions which may arise respecting any of the matters aforesaid or under the said contract or agreement of the Twenty second day of August one thousand eight hundred and thirty nine or otherwise in relation to the matters and things aforesaid or any of them to arbitration if deemed advisable and to abide by and perform or enforce any award or awards to be made under any such arbitration or arbitrations and for all or any of the purposes aforesaid to use the name of me the said Thomas Ford and generally to do perform and execute all other matters and things in and about the premises as fully and effectually to all intents and purposes as I the said Thomas Ford could or might do if personally present. And I the said Thomas Ford do hereby give and grant unto my said Attorneys full power and authority from time to time to constitute and appoint and in their place and stead to put one or more Attorneys or attorney to do execute and perform all or any such matters or things as aforesaid and the same attorney or attorneys at pleasure to remove and another or others in his or their place or places to substitute.

I the said Thomas Ford hereby ratifying and confirming and agreeing to ratify and confirm all and whatsoever my said attorneys or their substitute or substitutes shall or may lawfully do or cause to be done in or about the premises by virtue of these presents.

In witness whereof I the said Thomas Ford have hereunto subscribed my name and caused the great Seal of the State of Illinois (L. S.) to be hereunto affixed at Springfield the seat of Government of the said State, this sixteenth day of May, one thousand eight hundred and forty three.

THOMAS FORD

To all to whom these presents may come—

I, Thomas Ford, Governor of the State of Illinois in the United States of North America, send Greetings:

Whereas by a contract or agreement in writing bearing date on or about the thirtieth day of October one thousand eight hundred and thirty nine and made or expressed to be made between Richard Martin Young of Quincy in the said State of Illinois Esquire and John Reynolds of Belleville in the same State Esquire (Agents duly appointed on behalf

of the said State of Illinois to negotiate [*sic*] a loan of Four Million Dollars authorized to be effected by the provisions of a certain Act of [the] Legislature or General Assembly of the said State of Illinois entitled "An act to provide for a loan for Canal purposes" approved the twenty third day of February One thousand eight hundred and thirty nine in the manner in the said act provided) of the first part and John Wright of Henrietta Street Covent Garden in the County of Middlesex and Kingdom of Great Britain of the firm of Messrs Wright and Company Bankers on behalf of himself and copartners of the other part The said Richard Martin Young and John Reynolds as such agents as aforesaid made an arrangement with the said Messrs Wright and Company for the sale of Bonds of the said State of Illinois called the Illinois and Michigan Canal Bonds or Stock for the total sum of One million dollars or Two hundred and twenty-five thousand pounds sterling British money subject to the provisions in the said contract or agreement expressed and contained. And whereas in pursuance of the said contract or agreement Bonds of the said State of Illinois called the Illinois and Michigan Canal Stock or Bonds to the amount aforesaid were according delivered to and deposited with the said Messrs Wright and Company for sale on account of the said State of Illinois as aforesaid. And part of such Bonds were accordingly sold by the said Messrs Wright and Company And whereas a fiat in Bankruptcy under the hand of the Lord High Chancellor of Great Britain has been duly issued against Anthony George Wright Biddulph[,] John Wright[,] Henry Robinson and Edmund William Jerningham being the persons constituting the said firm of Messrs Wright and Company under which they have been adjusted and declared Bankrupts And whereas under or in pursuance of an order of the Court of Review in England bearing date the thirteenth day of January one thousand eight hundred and forty two made in the matter of the said Bankruptcy on the petition of Samuel Jaudon then of Moorgate Street in the City of London, Agent of the Bank of the United States and James Morrison of the same place Esquire a debt of Nineteen thousand seven hundred and seventy six pounds five shillings and eight pence or thereabouts has been proved by or in the names of the said Samuel Jaudon and James Morrison as Attorneys or Agents for and on behalf of the said State of Illinois against the Estate of the said Bankrupts. Now these Presents witness that I the said Thomas Ford as Governor of the said State of Illinois for divers good causes and con-

siderations me hereunto moving Have made ordained constituted and appointed and by these presents do make ordain constitute and appoint and in my place and stead put Col Charles Oakley and the Hon Michael Ryan, of the said State of Illinois, as my true and lawful Attorneys for me and in my name as such Governor as aforesaid or otherwise on behalf of the said State of Illinois to ask demand sue for recover and receive of and from the assignee or assignees for the time being of the estate and effects of the said Anthony George Wright Biddulph[,] John Wright[,] Henry Robinson and Edmund William Jerningham, or any or either of them or of and from any other person or persons in Great Britain liable or entrusted to pay the same all and every dividend or dividends, sum or sums of money now due or payable or which shall or may become due or payable upon or in respect of the said debt proved by or in the names of the said Samuel Jaudon and James Morrison against the estate of the said Messrs Wright and Company or otherwise for or on account of the said Illinois and Michigan Canal Bonds or Stock so delivered to or sold by the said Messrs Wright and Company as aforesaid and on receipt thereof or any part of parts thereof to make sign execute and give all necessary and effectual receipts releases and discharges whatsoever for the same and in case of payment thereof or of any part thereof to commence present and prosecute or defend any action or actions suit or suits petition or petitions or other proceeding whatsoever either at Law or in Equity or in Bankruptcy against or by any person or persons whomsoever in respect of any of the matters and things aforesaid as my said Attorneys shall deem expedient. And also to examin[e] adjust compound compromise and settle all accounts reckonings claims and demands whatsoever which are now unsettled between me as such Governor as aforesaid of the said State of Illinois and the said Bankrupts or their assignees or any of them or any other person or persons in England touching or respecting or arising out of the said contract and agreement of the thirtieth day of October one thousand eight hundred and thirty nine or the said Illinois and Michigan Canal Bonds or Stock or in any wise relating thereto and to pay or receive as the case may be the balance if any which shall happen to be due or payable on the settlement of any such account or accounts and reckonings and to sign and present any petition or petitions in Bankruptcy and to tender any further or other proof or proofs under the said fiat or any renewed fiat against the said Messrs Wright and Company or against

any other person or persons whomsoever And also to submit any dispute or question which may arise respecting any of the matters aforesaid or under the said contract or agreement of the thirtieth day of October one thousand eight hundred and thirty nine or otherwise in relation to the matters or things aforesaid or any of them to arbitration if deemed advisable, and to abide by and perform or enforce any award or awards to be made under any such arbitration or arbitrations And for all and any of the purposes aforesaid to use the name of me the said Thomas Ford And generally to do perform and execute all other matters and things in and about the premises as fully and effectually to all intents and purposes as I the said Thomas Ford could or might do if personally present.

In witness whereof I the said Thomas Ford have hereunto subscribed my name and caused the great Seal of the State of Illinois (L. S.) to be hereunto affixed at Springfield the seat of Government of the said State this sixteenth day of May, one thousand eight hundred and forty three.

THOMAS FORD

SPRINGFIELD, May 16, 1843

D. H. T. Moss. Esq.

I am obliged to you for the information contained in your letter of the twelfth instant; and I accordingly empower you to sell any of the timber, or stone or other materials, on or near the line of the rail road between La Salle and Dixon, either at public, or private sale, according to your best judgment; also, to change the places of the public sales heretofor[e] directed. I also authorize you to settle with any and all persons who may have used any such materials; and to sue for the same, in case they refuse to account, at fair and reasonable prices, and pay for the same.

I am sincerely yours,

THOMAS FORD

Know all men by these presents that I Thomas Ford Governor of the State of Illinois do hereby authorize and empower John M. Kelly and Elijah Adams or either of them to sell any and all timber and stone belonging to the Central Rail Road between the Illinois River and the mouth of the Ohio, and to demand and receive payment and sue for any timber stone or any other material belonging to said road

and which may have been taken from the same, by any person or persons whatever. And I do hereby invest them with the same powers in relation to the Northern Cross Rail Road between Springfield and the eastern boundary line of the State. And I do also authorize them or either of them to receive any Instrument or Instruments the property of the State, belonging to the Rail Road System wheresoever the same may be found.¹

In testimony whereof I have hereunto set my hand and caused (L. S.) the Great Seal of State to be affixed at Springfield this 26th day of May AD. 1843.

THOMAS FORD

Thompson Campbell *Secretary of State*

SPRINGFIELD June 9 1843

DEAR SIR: I have received since my return from St. Louis your return of the amount and quality of timber and stone on the Pekin and Tremont Rail Road The day of sale having passed by in my absence I have to request you to act as agent of the State in selling that property at Tremont

I desire you to divide it into such lots as will suit purchasers and give notice in Pekin and Tremont and along the line of a time of sale I leave it to your own discretion what length of notice to give You are authorized to receive in payment Illinois internal improvement bonds and Scrip. The law does not authorize the receipt of Canal bonds and scrip Please make a return to me at an early day of an account of sales and the money

Sell to as good profit as you possibly can

I am most respectfully

Your obedient servant

THOMAS FORD

Middleton Tackerberry Esq.²

Pekin Illinois

¹ Messrs. Adams and Kelly reported the Central Railroad and right of way and the depôt lands at Cairo to be worth \$400,482; Northern Cross Railroad from Springfield to state line, \$102,764.73; Northern Cross Railroad from Springfield to Meredosia, \$234,515.50 (*Illinois House Reports*, 1844-45, 150). An act approved February 27, 1841, had authorized the finishing of the Northern Cross Railroad by a private concern and gave option on material belonging to state (*Laws of Illinois*, 1840-41, 197-204).

² Middleton Tackerberry: 1842-44, 1849-51, representative in General Assembly (*Blue Book of Illinois*, 1905).

EXECUTIVE DEPARTMENT

SPRINGFIELD June 14th 1843

TO MESSRS. MITCHELL, JACKSON AND KERCHEVAL, APPRAISERS OF
DAMAGES ON THE CANAL

GENT: I have understood that there is some dissatisfaction on the part of the Contractors with the instructions formerly given you; which has caused me to reconsider the matter very carefully and in doing so I have availed my self of the advice and opinion of the Attorney General. That officer concurred in my views in regard to back per centage and scaleage

I have however come to the conclusion that the principal sum of back percentage is not to be included within the two hundred and thirty thousand dollars and the Attorney General admits that it may have been the intention of the Legislature by the last act on the subject to make that demand an exception. But as it respects scaleage I have not yet been able to perceive that it is an exception. But as you are instructed to assess the several items of damages separately the question is open for further consideration.

It is not material that the Contractors should quit claim their machinery before an assessment shall be made; but only before their claims shall be allowed and paid by me in full You are not required by former instructions properly understood to insist upon a quit claim as a prerequisite to an assessment of damages

The question will frequently arise what is Machinery. You, Gentlemen, will have to decide this question for your selves and are the only competent tribunal to make such a decision in the first instance.

You will not be required to have a personal sight of the Machinery in cases where it has been destroyed [*sic*] or where any other cause exists which will make it impossible to see it

The contracts not in writing alluded to in the former instructions are contracts under what is called the "New lettings," and has no reference to any other contracts

I am most respectfully

Your obedient Servant

THOMAS FORD

SPRINGFIELD ILLINOIS, June 16 1843

GENTLEMEN: I have all along felt a sincere desire to adjust and pay your claim and will do so as soon as it shall be in my power. But I have no funds at my command for that or any other purpose connected with the State liabilities. If you have seen and read my inaugural address and the reports of the officers of State last Winter upon our financial condition you cannot have failed to perceive the reasons why no funds are on hand and it will save much labor on my part in making frequent statements apparently called for by many besides your selves.

From the tone of your letter some time since I would judge that the claims on the Tonawanda drafts are desperate and yet I would not dare to take the responsibility of transferring it to you in satisfaction of your small demand

I have no means of raising money to pay demands like yours except out of the claims of the State upon its debtors for State bonds. For aught that I can see the matter of your claim and the claims of the State upon its New York debts will have to rest in their present desperate condition until the return of Oakley and Ryan from Europe. In the mean time having thus advised you frankly of my inability to meet your expectations I will be pleased to receive from you any further suggestions and if I can be persuaded that any course to be pointed out by you will be admissible to be taken I will give Messrs Oakley and Ryan authority to close with you

I am most respectfully

Your obedient servant

THOMAS FORD

Messrs. Ruggles & Howe
New York

SPRINGFIELD June 16th 1843

DEAR SIR: In answer to your letter I beg leave to state that I have been informed that the officers and agents of the Rock river Rail road Company have been selling the materials of the road for their own use and without intending to make the road. This if true is a fraud on the State and of a piece with the villany practiced every where upon the public interests. I desire you to inform the president of that Company

and all others interested that it is my intention to have actions at law commenced here in Sangamon County against all persons found committing those frauds.

I am most respectfully

Your obedient servant

THOMAS FORD

Geo. W. Gilson, Esq.

SPRINGFIELD, June 20, 1843

DEAR SIR: If the inspectors of the penitentiary consent to the sale there will probably be from 60 to 100 tons rail road iron to be disposed of Mr. Matteson has spoken to purchase it at \$45 per ton and will bind himself to have it laid down on a rail road in the United States by the 1st. of August so as to save the payment of about \$25 per ton duties for which our friends are under bond at the Custom house in New Orleans in case it is not laid. I have understood that the time expires in the month of August next

Whoever purchases will have to come under agreement that the iron is to be laid by the middle of August with approved security in this State

I recollect having some conversation with you on this subject at Alton and you informed me that some person in Georgia wished information and would probably want to purchase. But you made me no proposition, nor did I understand you that you were authorized to do so. I have been very anxious to sell to the best advantage at an early day so as if possible to save the payment of duties to the U. S. and have accordingly given Mr. Matteson encouragement to think that he could have the remaining iron if any is to be sold.

I am most respectfully

Your obedient servant

THOMAS FORD

Mr. Long,¹
Alton, Ill.

SPRINGFIELD June 23 1843

DEAR SIR: I received your letter of the 20th instant and am much gratified that the Illinois and Rock River Rail Road Co. has been organ-

¹ Stephen Harriman Long: (probably) born December 30, 1784, in Hopkinton, New Hampshire; 1809, graduated from Dartmouth College; December, 1814, entered the United States army as lieutenant of Engineers; assistant professor of mathematics at

ized in good faith and with the intention of making the road I heartily wish you success It appears from your letter that this is the day which has been appointed by Mr. Moss for the sale of the timber stone &c.

I am sorry that you or some other person did not write me sooner. I did not know who the Company were, and from my advices I could not but believe that a pretended company existed who were about to commit great frauds on the State If however I could have been furnished with the information contained in your letter in time I would have ordered Mr. Moss to delay proceedings until the matter could have been enquired into. If you see Mr. Moss, and he has not yet sold, show him this letter and request him to desist until I can further enquire into the matter

I am most respectfully

You obedient servant

THOMAS FORD

H. P. Woodworth, Esq.

SPRINGFIELD, June 29, 1843

COL N BUCKMASTER¹

SIR: Joel A Matteson Esq of Juliet² has this day forwarded me \$4000. in bonds in way of Rail Road iron at Meredosia and Shawneetown so that the proposition which he lately made may now be considered as a bargain I should like to wait longer to hear from Mr. Long of your City who made enquiries lately in relation to purchasing for West Point; 1816, transferred to the Topographical Engineers with the brevet rank of major; 1818-23, charge of explorations between Mississippi River and the Rocky Mountains; 1827-30, civil engineer on Baltimore & Ohio Railroad; 1837-40, engineer-in-chief of Western & Atlantic Railroad in Georgia; 1838, appointed major of Topographical Engineering Corps; 1861, made chief of corps with the rank of colonel; spent latter part of life at Alton, Illinois; June, 1863, retired from active service; died September 4, 1864, at Alton; Mr. Long was author of the first original treatise on railroad building in the United States, under the title *Railroad Manual*, 1829 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

¹ Nathaniel Buckmaster: born in Calvert County, Maryland, about 1792; worked in Charleston, Virginia, as a brick mason; 1818, emigrated to Edwardsville, Illinois; 1820-22, representative in General Assembly; 1822-34, sheriff of Madison County; captain and major in Black Hawk War; about 1835, removed to Alton; lessee of state prison at Alton; quartermaster-general under Governor Ford; postmaster at Alton; founder of "Upper Ferry" at St. Louis and the first successful operator of a ferry at that place; in politics a Democrat; died at Alton in 1855 (Julia Buckmaster, Alton, Illinois, private letter to editor; *Blue Book of Illinois*, 1905; *Adjutant-General's Reports*; *History of Madison County*, W. R. Brink & Co., Chicago, 1882).

² Juliet incorporated as a village in 1837 with Joel A. Matteson as president of the village board. Charter repealed in 1841. Joliet incorporated June 19, 1852 (Grinton, *Joliet and Juliet*, Joliet, 1904).

some persons in Georgia But as I am anxious to have the Iron laid down in time to save the payment of duties and as I have not heard any thing by way of answer from Mr. Long and as I must not loose [sic] an opportunity to sell (the only certain one that is presented) I therefore close the bargain with Mr. Matteson and hereby authorize you as his agent to receive and ship the rail road Iron at Meredosia with the exception of about twenty six tons assorted which it is necessary to retain for repairs on the Northern Cross Rail Road After retaining twenty six tons as above specified you will be authorized as Mr. Matteson's agent to receive all the balance and ship it to his order

Mr. Conn and Chambers will be authorized to deliver the iron to you on presenting them with this letter retaining twenty six tons as above mentioned

I am most respectfully

Your obedient servant

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD July 3 1843

SIR: On the 17th day of June last the Governor of Missouri made a requisition for Joseph Smith Junior charged with Treason¹ in that State in pursuance of which and of the Constitution and laws of the United States I issued a warrant for his arrest and delivery to the authorities of Missouri

Since that time I have heard rumors that Smith has been arrested that he has caused those who arrested him to be apprehended and imprisoned on some charge the nature of which I have not learned and that he himself has been taken off somewhere ostensibly to have a trial on a writ of habeas corpus I have also received information which I am induced to put some confidence in that a large number of the citizens of Nauvoo have turned out in Military force to prevent the arrest of Smith and his transfer to Missouri

The offense of which Smith is now charged is treason said to have been committed some five or six years ago and the indictment against him upon which he is demanded was found at a special term of a circuit court of some one of the Western Counties of Missouri held on the 5th

¹ In his *History of Illinois*, 315, Governor Ford says that the requisition was presented to him June 7, 1843, and that the charge was the attempted assassination of Governor Boggs of Missouri.

day of June last The demand and accompanying papers were all regular and conformable to law so as to present a case in which the executive authority of this State had no discretion to refuse a warrant, in the first instance.

But from rumor and from all that I have learned on the subject from other sources of information I am induced to suspect that unpleasant consequences may be the result

The imprisonment of the agent of Missouri and the array of the citizens of Nauvoo in Military force, if true, may so excite the already combustible state of public feeling in Missouri as to lead to collision of hostile forces and to a disregard of the laws of the State.

Feeling it my duty to cause the laws to be respected and by all means to prevent any invasion from abroad I have tho't it proper that I should avail my self of the means of acquiring, as early as I can, correct information of the events which are transpiring or which may transpire in connection with this subject.

I have to request therefore that you will go immediately to Nauvoo and ascertain how far the rumors above recited are true, How far the citizens of Nauvoo may be disposed to act with Military force and the probability of such an improper excitement in Missouri as may lead to an exertion of force on the part of any of the Citizens of that State

I wish you also to assure all parties of the disposition of the executive to see the laws peaceably submitted to by all citizens of the State; of its determination to protect all our citizens to the full extent of the power committed to the Governor against all illegal violence and to see that full justice is done them according to law

I am respectfully yours

THOMAS FORD

Mason Brayman Esq.¹

¹ Mason Brayman: born May 23, 1813, in Buffalo, New York; worked on a farm; learned printer's trade; 1834-35, edited *The Buffalo Bulletin*; 1836, admitted to bar; 1837, moved west; 1838, city attorney of Monroe, Michigan; 1841, editor of *The Louisville Advertiser*; 1842, opened law office in Springfield, Illinois; assisted Governor Ford in Mormon trouble; 1844-45, revised statutes of Illinois; 1851-55, solicitor for Illinois Central Railroad; 1855-61, interested in building a railroad from Bird's Point, Missouri, to a point in Arkansas; August 19, 1861, mustered in as major of Twenty-ninth Regiment Illinois Volunteers; took part in battles of Fort Donelson and Shiloh; April 15, 1862, promoted to the colonelcy of the Twenty-ninth for meritorious conduct at Shiloh; September 24, 1862, appointed brigadier-general of volunteers; March 3, 1865, received brevet of major-general; August 24, 1865, mustered out of service; 1872-73, edited *Illinois State Journal*; removed to Wisconsin; 1876, appointed governor of Idaho; 1880, returned to Wisconsin; died February 27, 1895, at Kansas City (Palmer, *Bench and Bar of Illinois*; Bateman and Selby, *Historical Encyclopedia of Illinois*; *Adjutant-General's Reports*).

EXECUTIVE DEPARTMENT

SPRINGFIELD July 13 1843

I Thomas Ford Governor of the State of Illinois do hereby authorize and empower Lemuel Andrews Esq. Sheriff of Rock Island County to sell at public sale to the highest bidder any and all stone timber iron and all other material belonging to the State of Illinois and pertaining to the improvements on Rock river at and near the lower Rapids at Vandruffs Island and to receive in payment therefor gold and silver coin and Illinois internal improvement bonds and scrip He the said Andrews giving three weeks public notice of the time and place of sale by posting up notices of the same in four of the most public places in said County

Witness my hand the day and date above written

THOMAS FORD

Mr. Andrews is requested to make a return to me at Springfield of an account of sales and the funds received

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILL. July 26 1843

HIS EXCELLENCY THOMAS REYNOLDS

Governor of Missouri

SIR: The demand of Joseph H. Reynolds Esq. the agent appointed by you to receive Joseph Smith Jr. for a detachment of Militia to assist in retaking said Smith has been duly considered by me and I now at the earliest moment after coming to a conclusion on the subject, proceed to lay before you the result of my deliberations

The request for a Military force is declined. The reasons which have influenced me in coming to this determination will be furnished to you at large as soon as I can obtain leisure to do so

I have the honor to be

very respectfully

Your obedient servant

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILL Aug 14, 1843

TO HIS EXCELLENCY THOMAS REYNOLDS

Governor of the State of Missouri

SIR: On the 26th day of July last I had the honor to inform you by letter that after full consideration I have come to the conclusion to decline ordering out a detachment of Militia to assist in retaking Joseph Smith Jr. who was said to have escaped from the custody of the Missouri Agent and in that letter I engaged to furnish you with my reasons at large for coming to that determination

It appears that an indictment was found at a special term of the Davis circuit court, Missouri held the fifth of June last against Smith for treason. Upon this indictment the Governor of Missouri issued a requisition to the Governor of this State demanding the arrest and delivery of Smith. A writ was thereupon duly issued by me for the apprehension and delivery of Smith as demanded. This writ was put into the hands of an officer of this State to be executed. The officer to whom it was directed immediately arrested Smith and delivered him to Joseph H. Reynolds, the agent of Missouri, appointed to receive him. The writ has been returned to me as having been fully executed

After Smith was delivered into the hands of Mr Joseph H. Reynolds, it is alleged that he was rescued from his custody by the Municipal court of the City of Nauvoo

Affidavits on both sides of the question have been filed before me, and I also have additional information on the subject, contained in a report of Mr. Brayman Esq. a special agent, appointed by myself, to investigate and collect facts, in relation to the whole matter

The undisputed facts of the case are that Smith was arrested near Dixon, in Lee County; he was immediately delivered over to Mr. Reynolds; Smith immediately brought an action against Mr. Reynolds for false imprisonment, and had him to bail in the sum of four hundred dollars. Mr. Reynolds being in a strange country, and unable to give bail, was taken by the Sheriff of Lee County and held as a prisoner; whilst Reynolds held Smith as his prisoner. The parties finally concluded to get out writs of habeas corpus and try the legality of the imprisonment in each case. The writs were accordingly issued returnable before the nearest judicial tribunal in the circuit in which Quincy is

situated, and thereupon all parties proceeded in the direction of Quincy Smith being in the custody of Mr. Reynolds and Mr. Reynolds himself being in the custody of the Sheriff of Lee County. On the road during their progress the[y] were met by parties of the citizens of Nauvoo; some, or most, of whom are said to have been members of the Nauvoo Legion; though there is no evidence that they appeared in a Military capacity. There was no exhibition of arms of any description, nor was there any Military or warlike array—nor was there any actual force used; though Mr. Reynolds testified that he felt under constraint; and that Smith, soon after meeting the first parties of Mormons, enlarged himself from his custody. Mr. Reynolds also testifies (and there can be no doubt of the fact) that he was taken to Nauvoo against his will. But whether he was taken there by the command of Smith and his friends, or by the voluntary act of the Sheriff of Lee County, who had him in custody, does not appear by any testimony furnished by Mr. Reynolds. The affidavit of the Sheriff has not been obtained, though there is evidence on the other side to show that the Sheriff of Lee County voluntarily carried Mr. Reynolds to the city of Nauvoo, without any coercion [*sic*] on the part of any one

After arriving at Nauvoo a writ of Habeas Corpus was issued by the Municipal Court of that City, and Mr. Reynolds was compelled by authority of the court to produce Mr. Smith before that tribunal. After hearing the case the court discharged Smith from arrest

There is much other other evidence submitted, but the foregoing is the Material part of it to be considered on the present occasion¹

Now, Sir, I might safely rest my refusal to order a detachment of Militia to assist in retaking Smith upon the ground that the laws of this State have been fully executed in the matter. A writ has been issued for his apprehension; Smith was apprehended; and was duly delivered by the officer of the State to the agent of the State of Missouri appointed to receive him. No process officer or authority of this State has been resisted or interfered with—I have fully fully executed the duty which the law imposed on me, and have not been resisted, either in the writ issued for the arrest of Smith or in the person of the officer appointed

¹ Heretofore the facts in the case concerning the release of Smith have not been fully known. Ford himself in his *History of Illinois*, 315, says that when the agent started for Missouri with Smith, a party of Mormons met them and compelled the officer and his prisoner to go to Nauvoo. Nothing whatever is said about the sheriff of Lee County having the officer from Missouri in custody.

to apprehend him. If there has been any resistance to any one it has been to the officer of Missouri, after Smith came to his custody, and after every thing had been done on my part which the law warranted me in doing

Another objection to ordering a detachment of Militia arises out of the Militia laws of this State; the 43d Section of which is as follows:

"Whenever it may be necessary to call into actual service any part of the Militia of this State on a requisition of the executive of the United State, or an actual or threatened invasion of this State, or any of the neighboring States or Territories of the United States, the Commander-in-Chief shall forthwith demand from each division a detachment in proportion to the strength thereof; except as hereinafter excepted; which order shall be delivered by a special Messenger to the several commandants of divisions, specifying the number demanded from each division; the time and place of rendezvous, if ordered to March; and if the same be detached under any particular act of the United States, to endorse the same on such orders; Provided that whenever the safety of any of the frontier settlements in this State shall, in the opinion of the Governor, require it, he may exempt the Militia in such settlements from being called into service and Make such further provision for their defence as the necessity of the case may require; which exception shall be expressed in his orders to commandants of the divisions, who, together with the commandants of brigades, regiments, battalions and companies, shall govern themselves accordingly; And provided, also, that such Militia men may be required to serve as spies on their own frontiers; and that on actual invasion, *or any extreme emergency* the commander-in-chief commandants of divisions, brigades, battalions and companies, may call on the whole or any part of the Militia under their respective commands, as the nature of the case may require, who shall continue in service, if necessary, until the Militia can be regularly called out."

The Governor has no other authority in calling out the Militia, than that which is contained in this Section. By which it appears that there must be either a requisition from the President an actual or threatened invasion, or some emergency to warrant the Governor in exercising this power. No one of these contingencies has arisen. There has been no requisition from the President; there has been no actual or threatened

invasion of the State; nor is this such an extreme emergency as is contemplated by the law. If we allow that force was exhibited and threatened to compel your agent to carry his prisoner before the municipal court of Nauvoo; that the court then took cognizance of the cause without jurisdiction, and against the consent of your agent, it would amount, at most, to a riot, and to a resistance of authority in a single case, and that under color of law and legal process. To constitute an extreme emergency, so as to justify a call for the Militia, there ought in my opinion, to be some thing more than a mere illegal act; something more than a design to resist the law in a single instance. The design ought to be general, as in treason, rebellion, or insurrection, in which cases an universality of design is essential to constitute the offence. If a person resist a constable or a sheriff or other officer charged with the execution of process, with an intention to resist the law in that particular instance. Such an act is a misdemeanor at most; is indictable as such, and may be met by the posse comitatus [*sic*]. But something more than a mere misdemeanor must have been contemplated by the law. It would seem to me that it could never have been intended that the Governor should call out the Militia in every case where a constable or sheriff may be resisted; and even in a case of riotous resistance it would not be an extreme emergency without some Military array—some warlike show, or some threatened resistance to the Government itself. In this case there has been no warlike array in the proceedings of Smith and his friends; no exhibition of arms, and no actual force of an illegal character. Mr. Reynolds was not subjected to illegal imprisonment. He was arrested on lawful process, and although that process may have been wrongfully obtained, yet his arrest was not riotous or unlawful, but according to the forms of law. Mr. Reynolds continued in the custody of the sheriff by virtue of that process, until he was taken to Nauvoo; and although he was taken to that city against his will, and was by that means compelled to take his prisoner there, yet he was taken by lawful process, by an authorised officer, who acted, so far as I have any evidence, freely and voluntarily in so doing. In no one aspect of the case can I consider the present an extreme emergency, warranting a call for the Militia, according to the provisions of law in this State.

Thus, Sir, I have stated to you the principal reasons which have influenced me in refusing to order a call of the Militia. To my own

mind they are entirely satisfactory, and I hope they will meet with the approval of your excellency and the people of Missouri

I have the honor to be

Your Excellencys most

Obedient Servant

THOMAS FORD

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL. Aug. 5, 1843

SIR: I have seen it stated in the public prints and also learned by rumor that the United States Collector at Cincinnati had levied on a quantity of rail road Iron lately the property of Illinois for the payment of duties to the U. S. That Iron was imported to N. Orleans in the years '40 & '41 and bonds with ample security were given at the Custom House in New Orleans for the payment of the duties. I assert it to be a fact that the State of Illinois has given bond with approved security for the payment of the duty upon all the rail road Iron imported and remaining unpaid.

I am informed that the time is not yet out for the payment of those duties. The iron has been sold with the view to be laid down before the expiration of the time. But by this seizure the State will be prevented from having the rails laid in time to save her bond.

I respectfully request you, sir, to enquire into the state of facts connected with the importation and seizure of the Iron; and that you will please to inform me what right the Collector at Cincinnati had to levy on this Iron? and whether in so doing he acted under authority or direction from the Treasury Department? I have been under the impression that as the Iron has been bonded it is not liable to be seized at any time. The United States cannot it appears to me have a bond for the payment of duties and a right of seizure both.

If you find the facts to be as afore stated, and if you concur with me in this view of the law, you will confer a favor upon this State and also oblige the purchaser of the Iron who is a worthy man and who will be ruined by this proceeding: if you will at the earliest moment in your power direct the Collector of Cincinnati to release this Iron.

I am just informed that the Collector at S. Louis has levied upon a quantity of rail road Iron at Meredosia in this State under the like pretext and which Iron is in every respect situated as the Iron at Cincin-

nati except that it has not been sold but has been ordered to be kept on hand to repair the rail road in this State.

Your early attention to the subject matter of this letter will oblige me.

I have the honor to be

Your Obt. servant

THOMAS FORD

To the Secretary of the Treasury,
Washington City

SPRINGFIELD Sept 11 1843

To J. PHIPPS ESQ.

As you was [*sic*] the agent of the State to lease the Mills on the Little Wabash River I enclose you the account of Reuben Emerson for \$800. Credited with an order in your favor with the sum of \$59.62 Also an account on John Wood amounting to \$800. These accounts are payable in cash or current funds. I send them to you for collection and request that you will demand payment immediately If not paid I desire suit to be brought But the suit will be brought in Springfield If these accounts are not paid on demand or in very short time please inform me and let me know the counties where all the parties and their securities reside

I am most respectfully

Yours

THOMAS FORD

STATE OF ILLINOIS

Whereas a quantity of Rail road Iron imported into the United States at the Port of New Orleans by the State of Illinois, has lately been seized by the United States Collector of the revenue at the Port of Cincinnati for the non payment of duties And whereas another quantity of rail road Iron at Meredosia in this State imported in like manner has been seized by the Collector of the Revenue at the Port of St. Louis

Now therefore I Thomas Ford Governor of the State of Illinois and ex-officio Fund Commissioner of said State acting for and on behalf of the same State do hereby fully authorize and empower Joel A Matteson Esq of Juliet as my agent and Attorney in my name on behalf of the State of Illinois to sign seal and deliver any such bond or bonds as may be necessary to procure the release of the said Rail road Iron or any

part thereof from the seizures aforesaid and to have the same again restored to the possession and control of the said Joel A. Matteson I the said Thomas Ford Governor and ex-officio Fund Commissioner as aforesaid hereby fully ratifying and confirming all that may be done by the said Joel A Matteson in my name on behalf of the said State in the premises as completely as if I were present at the doing thereof my self.

In testimony whereof I have hereunto set my hand and caused the great seal of State to be affixed at Springfield this 13th. (L.S.) day of September in the year of our Lord one thousand eight hundred and forty three

THOMAS FORD

SPRINGFIELD Septem 13 1843

DEAR SIR: I have received your demand for the reward of two hundred dollars for the apprehension of John Williams offered in the proclamation of Governor Carlin dated July 23 1841

That proclamation offers the above reward upon condition that Williams should be apprehended and secured by the person apprehending him so that he might be brought to trial before the circuit court of Clark county.

It appears by the papers which you have forwarded me that Williams was taken before a single Justice of the peace and that the justice permitted him to go at large on bail in the sum [of] \$150

This I apprehend was illegal and will not bind Williams to appear at the circuit court for trial; as you will perceive by the 3d Sec of the act to regulate the apprehension of offenders Revised laws '33 page 221 that a single justice had no right to take bail in such a case And if not you and the justice together have permitted Williams after his arrest to escape and go at large. The proceedings in such a case would not bind him to appear at court for trial and of course you would not be entitled to the reward.

If Williams had been before committed to the custody of the Sheriff the justices would have no right to bail him and you ought to have delivered him to the Sheriff How is this?

I am most respectfully

Your obedient servant

THOMAS FORD

Robert B McCown

EXECUTIVE DEPARTMENT October 6 1843

HON. DAVID MARKELY¹

DEAR SIR: I herewith transmit you a list of lands (47 eighty acre tracts) belonging to the State of Illinois and selected under the provisions of an act of Congress Approved Sept. 4, 1841, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant preemption rights" which I desire you to inspect and value according to your best judgment.

Those lands are numbered and designated as follows, to wit:

W $\frac{1}{2}$ NE	Sec. 15	Town 28 N.	5 East	Near Pontiac
E $\frac{1}{2}$ NE	" 15	"	"	
E $\frac{1}{2}$ NW	" 15	"	"	
W $\frac{1}{2}$ NW	" 15	"	"	
E $\frac{1}{2}$ SE	" 15	"	"	
W $\frac{1}{2}$ SE	" 15	"	"	
E $\frac{1}{2}$ SW	" 15	"	"	
W $\frac{1}{2}$ SW	" 15	"	"	
E $\frac{1}{2}$ NE	" 22	Town 30 N.	13 West	Iroquois Co.
W $\frac{1}{2}$ NE	" 22	"	"	
E $\frac{1}{2}$ NW	" 22	"	"	
W $\frac{1}{2}$ NW	" 22	"	"	
E $\frac{1}{2}$ SE fr. qr.	" 22	"	"	
W $\frac{1}{2}$ SE fr. qr.	" 22	"	"	
E $\frac{1}{2}$ NE	" 26	"	"	
W $\frac{1}{2}$ NE	Sec. 26	Town 30 N.	13 West	Iroquois Co.
E $\frac{1}{2}$ NW	" 26	"	"	
W $\frac{1}{2}$ NW	" 26	"	"	
E $\frac{1}{2}$ SE	" 26	"	"	
W $\frac{1}{2}$ SE	" 26	"	"	
E $\frac{1}{2}$ SW	" 26	"	"	
W $\frac{1}{2}$ SW	" 26	"	"	
E $\frac{1}{2}$ SE	" 27	Town 30 N.R.	13 West	2 Meridian
W $\frac{1}{2}$ SE	" 27	"	"	
E $\frac{1}{2}$ SW	" 27	"	"	
W $\frac{1}{2}$ SW	" 27	"	"	
E $\frac{1}{2}$ NW	" 15	"	"	
W $\frac{1}{2}$ NW	" 15	"	"	

¹ David Markley (Markely): 1847, member of constitutional convention; 1838-50, state senator (*Blue Book of Illinois*, 1905).

E ½ SW	Sec. 15	Town 30 N.R.	13 West	2 Meridian
W ½ SW	" 15	"	"	
E ½ NE	" 15	"	"	
W ½ NE	" 15	"	"	
W fr. part SE	" 15	"	"	
E ½ SE fr.	" 9	"	"	
W ½ SE fr.	" 9	"	"	
E ½ SW fr.	" 9	"	"	
W SW fr.	" 9	"	"	
S fr. part NW	" 9	"	"	
S fr. part NE	" 9	"	"	
E ½ NE	" 9	Town 29 N.	Range 13 West	
W ½ NE	" 9	"	"	"
E ½ NW	" 9	"	"	"
W ½ NW	" 9	"	"	"
E ½ SE	" 9	"	"	"
W ½ SE	" 9	"	"	"
E ½ SW	Sec. 9	Town 29 N.	Range 13 West	
W ½ SW	" 9	"	"	"

You will proceed to each tract of land and value the same on inspection. The reason why I have selected these tracts of land is that I am informed that some of them are of extraordinary value and have fine Mills Sites upon them.

I also hereby appoint you to select for the State of the Congress lands in the Chicago district an additional quantity of two thousand five hundred and eleven acres and fifty eight hundredths of an acre that amount of the former selections having been rejected by the Secretary of the Treasury on account of preemption rights and on account that the tracts rejected did not form the compact quantities of 320 acres or more

In making these new selections you will be governed by the following rules

You will make no selection unless of contiguous territory amounting to 320 acres or more in one place

You will select no land which has been entered or upon which there is a preemption right

And you will at the time of selection value the same and return the value with the land to this department

Immediately after completing your selections you will notify the

Register of the land office at Chicago of the same and request him to with hold the land from market.

If you should fail to find good land in the Chicago district I hereby authorize you to select the same in any other district in the Northern part of the State of Illinois.

I am most respectfully &c.

THOMAS FORD

I Thomas Ford Governor of the State of Illinois do hereby appoint John M. Kelly as an agent to sell and dispose of timber stone and other materials belonging to this State on and near the Alton and Mount Carmel railroad¹ and also to demand payment and settle for any timber stone or other material on or near said Road which has been or may be taken or used by any person or persons whatever

(L. S.) Witness my hand and the Seal of State hereto affixed this 30th day of October A.D. 1843

THOMAS FORD

Col. James Dunlap² for the private Stockholders of the Bank of Illinois at Shawneetown, has this day tendered to me as Governor of the State, for the use of the people, under the provision of the act of the last session of the General Assembly putting said Bank into liquidation, the following State securities: to wit,

352 State bonds, called interest bonds, heretofore hypothecated to Macalister and Stebbins³ by John D. Whiteside, late Fund Commissioner

¹ Better known as the Southern Cross.

² James Dunlap: born October 30, 1802, Fleming County, Kentucky; November 19, 1823, married to Miss Elizabeth Freeman in Greene County, Ohio; conducted general merchandise business in Jacksonville as early as 1831; 1834-37, trustee of Jacksonville; 1838, contracted to build first railroad in Illinois, Meredosia to Springfield; 1845, road completed; 1847, road bought at public auction by Colonel Dunlap and others; dealt largely in real estate and was prominent farmer and stock raiser; instrumental in securing state institutions for Jacksonville; member of first board of trustees of the Central Hospital for the Insane; member of first board of trustees of the School for the Blind; 1857, opened "The Dunlap House" (Miss Mary Dunlap, Jacksonville, Illinois, private letter to editor; *Jacksonville Daily Journal*, February 10, 1910).

³ In 1841, John D. Whiteside, fund commissioner of the state of Illinois, hypothecated with Macalister & Stebbins 804 interest-bearing bonds of \$1,000 each, payable in 1865. For these bonds Macalister & Stebbins advanced to the state \$261,560.83, with the understanding that further advances, bringing the aggregate up to 40 per cent of the face value of the bonds, would be made. Later in the same year, internal improvement bonds and scrip, to the value of \$109,215.44, were placed in the hands of Messrs. Macalister & Stebbins.

There had been an understanding between this firm and the fund commissioner, that

the principal and interest of which will amount on the 25th day of this Month to the sum of \$407.615.90

Also, other State Bonds and Scrip to the amount of \$122.384.10

530.000.00

Which State securities I refuse to receive. Because, in my opinion there is a question whether the State is liable to pay, or receive the securities first above named, at par, depending upon the law and facts of the case proper to be decided by the Courts of justice.

Springfield, Ill. Feby. 9, 1844.

THOMAS FORD

CHICAGO, ILL. January 3rd. 1844

HON. JOHN DAVIS

SIR: Your favor of the 31st ultimo has been duly received. The topics embraced in it have been subjects of careful consideration with me for some time past; and I now proceed to answer your enquiries according to the best of my knowledge and belief.

Your letter calls on me for information on the following points

1st What is the title of the State to the Canal property?

2. Is it in any respect incumbered by conveyances, pledges, or liens?

Does any antecedent act of the Legislature vest any title or right in the non subscribing bond holders? What is the meaning and design of the 21st section of the act of 1843?

the bonds should not be sold except under certain conditions. Macalister & Stebbins violated their agreement, selling the bonds to third parties, who presented them to the state for redemption at par. The legislature and the people at large never considered that more was owed on the bonds than the amount received from Macalister & Stebbins. The legislature proposed to redeem them for the amount originally received and no more. In providing for the public debt during the forties, these bonds always were excluded from the general scheme, being dealt with by special enactments.

Part of these bonds found their way into the state treasury through the liquidation of the Bank of Illinois (*ante*, xlix, 1). The holders of the remaining bonds, by bringing the case before the Supreme Court, attempted to compel the governor, who was state fund commissioner *ex officio*, to recognize the face value of the bonds. In its refusal, the court laid down the principle that the governor was a co-ordinate branch of the government, on account of which it had no authority over his official acts.

After resorting to various expedencies, the holders of the unredeemed Macalister & Stebbins bonds finally surrendered them to the state on terms previously proposed by the legislature.

* Section 21, of "An act to provide for the completion of the Illinois and Michigan Canal, and for the payment of the Canal debt" reads as follows: "If, in consequence of any defect, omission, or objection to the foregoing act, the said bondholders or other persons shall neglect or refuse for the said loan: in that case, the Governor is hereby authorized to negotiate, and to enter into a contract with the said bondholders, or other persons, in

3. Does the variance between the proposed contract and that specified by the Legislature raise any doubt as to the power of the Governor to enter into it? Can he mortgage the property for a less sum than \$1600000; or for a sum which obviously cannot complete the work? Can he waive or release the provisions of the act working a forfeiture of the contract if the Canal is not completed within three years?

4. Has the Governor any power to convey or to contract except what is conferred by the 21st section of the act? If he has not, does that section taken in connection with the residue of the act authorize him to grant in the manner proposed or in any other terms a preference to subscribers in the payment of their bonds or in the payment of their supposed loan? Is such a preference consistent with the proviso which reserves to all bond holders the rights which have been conferred upon them.

5. What is the effect of the grant contained in the 10th section of the act of 1843?¹ Will it vest any title in such trustees as may be chosen?

pursuance of the general principles of this act; *Provided*, that he shall make no further pledge of the faith or credit of the State, for any advance of money, but shall be limited to pledging the canal and canal property therefor; *And provided further*, that in any negotiations to be made under the provisions of this act, for the purpose of carrying them into effect, nothing shall be done which shall in any wise interfere with the rights now secured to the holders of canal bonds. The Governor is hereby vested with all such power as may be necessary to carry this act into operation, or to make, or cause to be made, such negotiation."—*Laws of Illinois*, 1842-43, 61.

¹ "An act to provide for the completion of the Illinois and Michigan Canal, and for the payment of the Canal debt":

"SEC. 10. For the purpose of placing in the hands of trustees full and ample security for the payment of said loan authorized by this act, and the interest thereon, as well as for securing a preference in the payment of such of the canal bonds and other evidences of indebtedness issued by this State for the purpose of aiding in the construction of the Illinois and Michigan Canal as may be owned by the subscribers to the said loan, the State does hereby irrevocably grant to the said board of trustees of the Illinois and Michigan Canal the bed of the said Illinois and Michigan Canal, and the land over which the same passes, including its banks, margins, towpaths, feeders, basins, right of way, locks, dams, water power, structures, stone excavated and stone and materials quarried, purchased, procured or collected for its construction; and all the property, right, title and interest of the State, of, in, and to the said canal, with all the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and also all the remaining lands and lots belonging to the said canal fund, or which hereafter may be given, granted or donated by the General Government to the State, to aid in the construction of the said canal and the buildings and erections belonging to the State thereon situated; the said board of trustees to have, hold, possess and enjoy the same as fully and as absolutely in all respects, as the State now can or hereafter could do, for the uses, purposes and trusts hereinafter mentioned; but it is to be understood that all canal lands and lots heretofore sold by the board of commissioners upon which moneys are now due, or may hereafter become due, whether the said lands and lots be now forfeited or relinquished, or hereafter become forfeited or relinquished, shall be exempt from the aforesaid provisions of this act, and the trustee herein provided to be appointed by the Governor, or any other officer, or officers, having the management of

Will entering into a contract in pursuance of the other provisions of the act make this operative so as to transfer by Legislative power the property in the terms and by force of the grant there made?

Lastly, suppose the deed of trust to be drawn upon the understanding that all matters of enquiry shall issue favorably and it shall turn out that when the subscribers to the loan come to enter into a contract with the State as is provided in the act there should be a deficiency in the subscription, by the neglect or refusal of Stockholders to subscribe, how is that deficiency to be made up? And how would the balance thus necessary to make up \$1600000, be supplied?

In reply, I have the honor to state that the title of the State of Illinois to the Canal lands is secured by a legislative grant contained in an act of Congress to be found in Story's collection of laws page 2062. The selection and approval under that act by the proper officer of the U. S. Government is in possession of the State, a copy of which can be furnished you, if you think it necessary.

The lands proposed to be conveyed in trust by the act of 1843, have never heretofore been conveyed or sold; nor have they been pledged otherwise than by the several acts of the General Assembly, under the authority of which loans have been obtained for the Canal. These acts all pledge the faith and credit of the State; the Canal and Canal lands and other property for the payment of the principal sums borrowed and interest thereon. They at the same time provide for a progressive sale of the lands; and the act of 1839, which authorized a loan of four millions of dollars, expressly authorizes a sale of the lands by the authorities of the State and appropriates the avails to the payment of interest, and to the construction of the Canal. All the laws of the State on the subject of the Canal will be furnished you, by which you will see the extent to which those lands have been pledged for antecedent loans.

I hope, however, to satisfy you in the course of my answer that the pledges heretofore made, by no means precludes [*sic*] the State from

the affairs of the canal, until said trustee be appointed on the part of the State, is hereby authorized and required to settle all accounts due to contractors and others (except for such damages as are hereinafter provided for) by issuing certificates of indebtedness, which, together with the certificates of indebtedness, scrip, and acceptances heretofore issued by the said canal commissioners, shall be received by said trustee, or other officer or officers aforesaid in payment for said lots and lands whenever they may be presented for that purpose. The said lands and lots hereby reserved shall, within three months after the passage of this act, be appropriated as is provided in the thirteenth section of this act, and sold in accordance with the laws of this State regulating the sale of canal lands."—*Laws of Illinois*, 1842-43, 56-57.

making a new pledge of the same lands for an additional sum of money; or from giving a priority of payment to those who make it.

The pledge of the Canal property for former loans, does not amount to a legislative grant of a legal vested interest. It is not like a Mortgage, which in point of law conveys the legal estate; nor does such a pledge vest any power in the creditor to take possession of the property; nor did it carry with it any assurance of a judicial remedy in case of the violation of the pledge. But on the contrary, it supposes that the Legislature of the State, is to continue to have the control and disposal of the property, and are to adopt measures which in their wisdom and discretion, will make it most available for the payment of the debt as well as to complete the Canal. The State does not merely hold the land in trust for the benefit of creditors. The pledge cannot receive that construction, because there is no legal remedy against the State to compel an execution of the trust. It is merely honorary; and binding upon the public faith and conscience. It amounts only to a declaration and assurance to the public creditor, that the property pledged shall be managed in the best manner for the benefit of bond holders, according to such just and enlightened discretion as sovereign States must necessarily be understood to reserve, where they undertake the management of a business in their sovereign capacity.

According to this view, the right of the public creditor may be said to be perfect in one respect; that is, he has a right morally, to exact justice, and good faith. But in another respect his right is imperfect; inasmuch as he has no judicial remedy; inasmuch as the Legislature must be the agent to dispose of the property for his benefit; and inasmuch as the mode of disposal and application must necessarily depend upon its views of policy and justice.

Such, I suppose to be the right of a bond holder, in respect of this property: wherefore, if it can be shown that the disposition of it, proposed by the Canal law of 1843, is the most wise, prudent, and just one, to all the public creditors, the non-subscribing as well as the subscribing bond holders, it will be all that will be necessary, legally and morally, to sustain the power of the Legislature to make it. Certainly the Legislature did not think that they were violating the rights of non-subscribing bond holders, by postponing them in participating in the benefits of the trust. Many millions of dollars had already been expended on the Canal. It was yet incomplete. It yielded no revenue. The State

was millions in debt on account of other improvements which yielded nothing. It was well known that a sale of the lands and canal in their present condition, would yield but little towards satisfying any of our creditors. The State was too poor; too destitute of both property and money, to pay the entire amount of interest by taxation; and there appeared to be no other resource. The only hope of the public creditor, was in a wise and judicial management of this property, whereby its value would be increased; and in the future growth and prosperity of a new country.

Under these circumstances, it was confidently believed that although those lands were, without the completion of the Canal, inadequate to pay any considerable portion of the debt, yet they might be made available to put the canal in operation; that the canal in its turn would revive confidence; turn the tide of emigration and wealth from abroad again into the State; increase the ability of the people to pay taxes; and itself yield a revenue sufficient to pay a very large portion of the interest on the public debt; and we believed that the residue of the interest could then be provided for by taxation, if necessary. This was our financial policy; and such, was the necessity which, in our opinion, made it the most wise, just, and prudent, which we could at that time adopt.

It does not, then, appear that we infringe the rights of a non subscribing bond holder by giving a priority in payment to such of our creditors as will advance an additional sum of money, which is to be used to bring about results so auspicious to the interests of all.

It is understood that in England, where the same common laws [*sic*] prevails which is in force in Illinois, it is the law, in case of Railroad, Bridge, and other suchlike corporations, that the last loan to the corporation, is first to be paid, notwithstanding previous pledges for antecedent loans. Also, Maritime loans of money on the pledge of a foreign ship; when the ship has been pledged for more than one loan, the last one is to be first paid. The Master in a foreign port may borrow money to repair, furnish, and victual his ship, and pledge the ship itself in payment. In the course of a long and unfortunate voyage it may become necessary to borrow successive sums of money and to give a new pledge of the ship on each occasion [*sic*]. In all such cases the last advance is to be first paid out of the proceeds of the ship. Because if it were otherwise, the antecedent creditor, by the loss of the ship might be wholly deprived of his security.

The principle of law applicable to this kind of lending would seem to apply with great force to this last advance of money requested to complete the Canal. The Canal itself is a non-entity in value without the last finish. So is the water power. Town lots which without the Canal would remain Village lots, with it would be City lots. The land it is true is now of some value. But all well informed persons agree that it would be quadrupled in value at least by the completion of the canal. The whole property is now like a ship half sunk and daily going to destruction, for want of a little money to raise and repair it, and put it into the trim of a tall gallant vessel.

That the land is now of some value does not seem to distinguish the case from that of the ship: and the only difference appears to be, that in the case of the vessel, the owners are not bound; but in our case the faith of the State is pledged, as well as this particular property. If I have already insisted upon the inability of the State to meet its engagements, I have not done so for the purpose of coercing a new advance of money; but, simply, truly and candidly, for the sole and only purpose of placing the additional security of a pledge of the public faith in its true light; and to avoid such inferences as might possibly be drawn from it, in case it had been given by a solvent State.

This view of the case, convinces me that none of the creditors can strictly claim a priority of payment in consequence of former pledges; and without some additional legislation, such as the act of 1843, they must share *pari passu*, in the proceeds of the property.

If the rights of the creditor consist simply in a claim upon the public faith, which ought to be sacred; and if the pledge of property is merely honorary, conveying no vested interest in the land; I cannot imagine any reason why the debts of the State thus secured are different from other debts, which are binding upon the public honor and conscience. Nor can I imagine why the Legislature cannot give a preference to one creditor over another in the payment of this debt. It is a well known principle of law, that a debtor in failing circumstances may give such a preference; and that he may convey his property in trust giving a priority to some of his creditors. This may always be done by the principles of the common laws, where the Bankrupt laws of the country do not require an equal distribution of the effects of the debtor; and where the deed of trust is not upon condition of a discharge from the debt and reserves no property or benefit to the debtor himself.

In our case we do not propose to be discharged from the debt; nor have we reserved any property or benefit to our selves for the purpose of coercing submission on the part of the creditor. Whatever reservation there may be, is a mere resulting trust after the payment of the debt.

The Legislature have expressly authorized such a disposition of the canal property; and I cannot doubt, but that if any of the bond holders had accepted the terms of the grant contained in the act of 1843, they would have enjoyed an assured estate in the property granted. It seems however that the bond holders do not propose to accept the precise terms of the law. They offer to enter into a contract with the Governor in a manner somewhat variant from the law, but supposed to be authorized by the 21st section of that act. As to my power to enter into such a contract, it becomes me now to state my opinion.

It seems to me clear, that I have at least full power to convey all the benefits and advantages proposed by the law; and to bind the State in all particulars whatever in which it would have been bound, if the terms of the law had been accepted. It appears to be clear to my mind that the design of the 21st section was to enlarge the power of the Governor beyond the terms of the law, rather than to restrain it to a more limited sphere. That this section enlarges the power of the Governor, and authorizes him to enter a contract at variance with the law, is evident from the language of the section itself. And this construction is fortified by the known facts of the case which called for such a provision.

The facts of the case are, that the State was possessed of property which was pledged in honor for the payment of a debt. We were willing to surrender it to our creditors for that purpose; and the only question was how it could be made most available; and upon what terms and conditions our creditors would prefer to receive it in part payment of their debt. The whole law was therefore considered as a mere proposal to the bond holders. We had no information from them as to what terms they would be most likely to accept. In this uncertainty as to what they would do, we endeavored to make our proposal as reasonable and just and as likely to succeed as we could. We legislated according to the best lights which we possessed at the time. But for fear we might not hit the views of our creditors; or in the language of the 21st section we provide that "If in consequence of any defect, omission, or objection to the foregoing act, the said bond holders or other persons shall neglect or refuse to subscribe for the said loan, in that case the Governor is

hereby authorized to negotiate and enter into contract with the said bond holders or other persons in pursuance of the general principles of this act. Provided that he shall make no further pledge of the faith or credit of the State, for any advance of money, but shall be limited to pledging the canal and canal property thereof. And provided further that in any negotiation to be made under the provisions of this act for the purpose of carrying them into effect nothing shall be done which shall in any wise interfere with the rights now secured to the holders of canal bonds." This is the 21st section: by which it clearly appears that a variance from the terms of the law was contemplated. If the creditors objected on account of any defect or omission in the law, such a defect or omission was to be supplied by contract; and in like manner anything which the bond holders could reasonably object to in the terms of the law, was to be provided for by contract. The power given to the Governor to contract is very general and sweeping; and is only limited in three particulars. The contract is to be according to the general principles of the act. That is, I make no doubt, the power to contract is to be exercised for the purpose of attaining the same great object which the Legislature had in view to accomplish, and in a manner agreeing with the cardinal features of the law. This limitation is expressed in a very indefinite manner, from which I cannot hesitate to believe if the Governor exercises the power conferred upon him reasonably and discreetly to obtain the desired object, that the State could make no objection.

The next limitation is, that the Governor shall not pledge the faith or credit of the State; which of itself is a lucid commentary by the Legislature upon their own meaning, and upon the extent of power which they thought might be exercised by the Governor without this limitation. It seems that they feared that the power conferred in the first part of the section might enable the Governor to pledge the faith and credit of the State unless restrained by express enactment.

The other limitation is, as to the rights of non subscribing bond holders. These are not to [be] affected by any contract of the Governor. I have already shown, as I flatter myself, the nature of the rights of a bond holder.

If I have already succeeded in establishing the positions, that the pledge in former laws in favor of non subscribing bond holders is merely honorary; that it conveyed no legal interest; that it only amounted to

a declaration and assurance binding in honor and conscience; that the State in its sovereign capacity is to be the agent in disposing of the pledge for the benefit of creditors; that in the execution of this agency, the State is bound simply by the principles of justice, and a wise discretion; that the canal law of 1843, makes the most wise and just disposition of the property for the benefit of all creditors; that this law expressly authorizes a priority in favor of subscribing bond holders, and that the 21st section enlarges the power of the Governor beyond the terms of the law; I cannot conceive why this proviso should be construed to inhibit the Governor from giving such a preference by contract, as is already given by the law, if the terms of it had been accepted. The section in which this proviso is contained authorizes the Governor to contract with persons who are not bond holders and give them a preference in the payment of money advanced. From all which I infer that this proviso simply means, that the Governor in executing the power conferred upon him to contract, is to regard the rights of non subscribing bond holders in the same beneficent and equitable light in which they are provided for by the other portions of the act. It certainly could not have been the meaning of the Legislature, that this proviso should defeat all the provisions of the law; and yet this must necessarily be understood if we suppose that the non subscribing bond holders have rights which are inconsistent with a new pledge in favor of other, and certainly more meritorious, creditors.

The 10th¹ section of the canal law of 1843, expressly conveys the canal property in trust for specified purposes; and the 13th² section

¹ For sec. 10, see *ante*, 108, n.

² "An act to provide for the completion of the Illinois and Michigan Canal, and for the payment of the Canal debt":

"SEC. 13. The said board of trustees when appointed are hereby authorized to take possession of the said canal, lands, property, and assets, granted to them by this act, and proceed to complete the same. They are hereby authorized to make such changes and alterations of the original plan of said canal as they may deem advisable, without reducing its present capacity, or materially changing its present location, having due regards to economy, permanency of the work, and an adequate supply of water at all seasons. None of the lots, lands or water powers so granted to the said trustees shall be sold until three months after the completion of the said canal; the said lots, lands and water powers shall then be offered for sale by the said trustees at public auction, in lots and legal sub-divisions once or oftener in each year for the four succeeding years; said sales to be made for cash or on credit in the manner prescribed in the act of the ninth of January, eighteen hundred and thirty-six, the said lands, lots and water power before they are offered for sale as aforesaid, shall be appraised by three disinterested persons, to be appointed by the judge of the circuit in which said lands, lots and water power are situated, who shall take an oath faithfully and impartially to discharge the duty of appraisers. Said lands, lots and water power, when so appraised, shall not be sold for less than the appraisement. After the expiration of the said four years, the said trustees shall expose the residue of said lands, which

makes it take effect, upon the election and appointment of trustees; so that the principles of the common law requiring an estate to be vested in presenti, are wholly inapplicable. I propose to convey the same property in trust which is offered to be conveyed by the 10th section. The 21st section authorizes me to do so; and the 13th section of course would vest the title and possession upon the appointment of trustees. This seems to be clear from the fact that I am to incorporate the general principles of the law (of which this is one) into the contract.

I am well satisfied that if the Legislature had the power to pass the law, I have power to contract in pursuance of its provisions; and such a contract being made, that the property would be vested in trustees by force of Legislative power.

It is my opinion that I can mortgage the property for less than \$1600000, in the manner proposed by the bond holders; that is they are to share *pari passu* with others who may hereafter contribute to the completion of the canal. I do not understand that the property is to be conveyed to them for their sole use and benefit; or that they could cause it to be sold before the canal shall be completed, to pay their first advance. Those who are to make future advances could not share *pari passu* in the benefit of the pledge if the property could be sold to pay the first.

The 21st section does not limit the sum to be borrowed otherwise than by requiring the power to be exercised in pursuance of the general principles of the act; which act however specifies the sum of \$1600000, as necessary to complete the canal. I however place my power to enter into the contract in this respect upon this ground: there is nothing in the act which requires me to borrow the whole amount of \$1600000, of the same persons, I think I may contract with one set of persons for a part of the money and with another set for the residue. My power over the subject does not cease until I have completed the whole negotiation.

may remain on hand to sale at such times and in such manner as they may deem proper. The said board of trustees are authorized to convey lands and water powers sold by them as aforesaid, after the purchase for the same be fully paid, but not before; and the said lands and lots shall be exempt from taxation of every description by and under the authority of any law of this State until after the same shall have been sold and conveyed by the said trustees as aforesaid; *Provided, also*, that in the construction of the said canal no changes shall be made in its location so as to direct the water power from canal lands; *Provided*, that in all cases where improvements were made on the said canal lands or lots previous to the first day of February, eighteen hundred and forty-three, the owner of such improvements shall be entitled to purchase the said lands or lots on which said improvements are situated at an appraisement to be made as aforesaid without reference to said improvements."—*Laws of Illinois*, 1842-43, 57-58.

It is similar in this respect to the power of the Governor to negotiate former loans. By one act, the Governor was authorized to negotiate a loan of four millions of dollars. Bonds were sold at many different times to many different individuals, each one containing a pledge of the lands &c. No one of these sales nor all of them together produced a sum of money sufficient to complete the canal. But I presume there would be no question as to the legality of such loans as were effected under that law.

I do not doubt but that I have the power in pursuance of the general principles of the act to convey all the property mentioned in the 10th¹ section to trustees, to be applied according to the provisions of the canal law.

I do not question, either, my power to release the forfeiture of the contract if the canal shall not be completed within three years.

My reasons for these opinions have already been given. They are founded upon the construction which I think ought to be given to the 21st² section. My conviction is that this section enlarges the power of the Governor, instead of restraining it. That it authorizes me to depart from the terms of the law by supplying defects and omissions, and waiving objections to the law itself; that I am restrained in this particular, only so far as I am required to contract in pursuance of the general principles of the act. If I understand the proposition of the bond holders, they do not wish to forfeit whatever they may have advanced, in case of failure to pay the residue of their subscriptions; and they desire that the property may still continue to be held in trust for their benefit, so far as they may make advances, as well as for the benefit of others who may advance the residue of the money to make the canal. In this sense I cannot perceive that the proposed contract would be variant from the general principles of the law.

The object of the law in providing for a reversion of the lands to the State, in case the canal shall not be completed in three years, was, as I well know myself, to secure the ultimate control of the State over the work, in case of the long continued and unreasonable delinquency of the subscribers. It was thought that it would be improvident legislation to convey those lands to trustees for the benefit of subscribers who might take their own time, and perhaps never fulfil their part of the engagement.

¹ For sec. 10, see *ante*, 107, n.

² For sec. 21, see *ante*, 108, n.

In the meantime the State authorities would be prevented from making other arrangements for prosecuting the work on the canal. To avoid this evil and this only, it was provided that if the subscribers should fail to make the canal in three years the property should revert to the State. I think that I could not lawfully enter into any contract which would tie up the hands of the Legislature in this manner. But I make no question that I can release a forfeiture of money paid, and also provide that the trust shall continue as a security for its reimbursement together with other sums which may be afterwards advanced.

In this manner the ultimate control of the Legislature would be secure over the work, at the same time securing to the subscribers whatever money they may advance. The mere forfeiture of the money paid and of the security for its repayment, I cannot believe was [the] cardinal object of the Legislature to accomplish. There would be no justice in it; and I solemnly believe that an agreement providing against such a forfeiture would be so just and equitable in itself; and would accord so well with a discreet and prudent exercise of power under the 21st section, that no objection could be made to it, either in law or equity, and that it might well be considered as one of those objections to the law which might be supplied by contract.

When I first saw the proposal of the bond holders I had some doubt as to the power of the Governor to enter into the contract. But that doubt originated in the uncertain mode of expression used. Since I have seen Messrs. Oakley and Ryan, and heard from them the meaning intended, I have had no doubt, whatever.

Your remaining question is this; Suppose there should be a deficiency in the subscription by the neglect or refusal of the Stockholders to subscribe, how is that deficiency to be made up? And how would the balance thus necessary to make up the \$1600000 be supplied?

I have already stated that I consider the contract to borrow a portion of the money to be good as a part execution of the power vested in me to negotiate a loan of \$1600000. The sum thus obtained would put about fifty miles of the Canal into operation; and I cannot conceive that if the contract should be good and valid as a part execution of the power conferred upon me, at the time it is entered into, that the validity of the act could be affected by a failure to negotiate the residue of the loan, if such be the case. But I do not apprehend danger of failure. It might perhaps be improper for me to anticipate at this time, what the future policy

of the State would be in case of a failure to negotiate a part or the whole of this loan. But I should expect with confidence, that further inducements might be provided to obtain all the money which may be necessary to complete the Canal; And if not, the sum now to be advanced would not be expended in vain.

I am very Respectfully,

Your obedient servant,

THOMAS FORD

SPRINGFIELD March 4th 1844

GENL. FRY

DEAR SIR: I send you by Mr. Scammon¹ the certificates of Canal indebtedness coming to the contractors.

I have received notice of an injunction in the case of Mr. Yarwood. I have been served with an injunction as to N. J. Brown, and have in consequence retained \$2000. Lawyer Collins² for Mr. Steel has filed a Caveat and protest against issuing any in favor of those claiming under Temple.³ Those claimants are.

A. M. Leod, J. D. Wilson & B. F. Barry

J. Sears, Jr. & L. Paine.

J. Sears Jr., S. Blount & S. Paine

John P. Allen,

L. F. Gale.

¹ Jonathan Young Scammon: born July 27, 1812, at Whitefield, Maine; 1831, graduated from Waterville (now Colby) University; studied law and admitted to the bar at Hallowell, Maine; 1835, removed to Chicago; 1836, deputy circuit clerk of Cook County; 1837, appointed attorney for State Bank; July, 1839—January, 1845, reporter of the Supreme Court of Illinois; 1844, helped found the *Chicago American*, a paper in the interest of Henry Clay's candidacy for the presidency; 1861-63, representative in General Assembly; Mr. Scammon was president of the Chicago Marine & Fire Insurance Company; one of the promoters of the Galena & Chicago Union Railroad Company; trustee of Chicago University; one of the founders of the Chicago Historical Society; 1872, established the *Inter-Ocean* to offset the influence of the *Chicago Tribune*, which had joined the Liberal Republican movement; accumulated a large fortune which was partially lost in the fire of 1871 and the panic of 1873; died in Chicago, March 17, 1890 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

² James H. Collins: born in Cambridge, Washington County, New York; 1824, licensed to practice law; September, 1833, emigrated to Illinois, settling in what is now Kendall County; 1834-35, associated with J. D. Caton in the practice of law; 1836-45, associated with Justin Butterfield in the practice of law; led the opposition in Cook County to Judge John Pearson; a zealous anti-slavery man, who aided runaway slaves to secure and keep their liberty; died at Ottawa in 1854 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *History of Cook County*, A. T. Andreas, Chicago, 1884).

³ John Taylor Temple: born in 1804, in Virginia; December 29, 1830, graduated in medicine from Middlebury College, Castleton, Vermont; 1833, emigrated to Chicago;

These are all retained to await legal proceedings which Mr. Collins has notified me that he is about to institute.

I have requested Mr. Scammon to notify every body from Peru up, that the Scrip is sent up, and it is my wish that when you receive it that you will keep it on hand until you are satisfied that there has been a general notice, and then if not enjoined by some persons interested, that you will pay it out to the persons to whom it belongs.

In general, any one partner of a firm will be entitled to receive and receipt in the name of the firm for the whole. But there may be cases known to you where it would be proper to pay to one partner, where the whole do not apply in person, the share to which he would be entitled on division.

The following will be something like the form of the receipt
 Received March 1844, of Thomas Ford, Governor of the State
 of Illinois, by the hands of Jacob Fry the sum of in scrip, being
 in part for the award of damages made by the appraisers in favor
 of as Canal Contractors.

I am most respectfully

Your obedient Servant

THOMAS FORD

SPRINGFIELD March 22, 1844

Issued powers of Attorney to Hon. Michael Ryan similar to those made to Col. Oakley and himself 16th May 1843 copied on pages 116-123 of this Book.¹

Whereas, on the 9th day of February last, Col. James Dunlap as agent of the private Stock holders of the Bank of Illinois, presented to Thomas Ford, Governor of the State of Illinois, three hundred and sixteen bonds of one thousand dollars each, commonly called interest bonds, being part of the bonds hypothecated by the Fund commissioner

January 1, 1834—April 1, 1837, operated stage line from Chicago to Ottawa; resumed the practice of medicine in Chicago; interested in contracts for the construction of the Illinois and Michigan Canal; trustee of Rush Medical College; founded St. Louis School of Homeopathy; died at St. Louis, February 24, 1877 (Bateman and Selby, *Historical Encyclopedia of Illinois*; *History of Cook County*, A. T. Andreas, Chicago, 1884).

¹ These pages refer to Governor's *Letter-Book*, Vol. IV., MSS. For power of attorney see *ante*, 82-85.

with Macalister and Stebbins, the principal and interest of which amounted on the 25th day of February last to three hundred sixty six thousand two hundred and nin[e]ty seven dollars and seventy two cents, in payment of the debt due from the said Bank to the State under the act to reduce the State debt one million of dollars and to put the Bank of Illinois into liquidation Approved Feby. 25th 1843.

And whereas when the said bonds were tendered as afore said, the said Governor refused to receive them on account of a doubt on his mind as to whether they were such State liabilities as the State was bound to receive.

And whereas the Governor is yet undetermined whether the said bonds ought to be received Nevertheless the said private Stockholders insist that they are bona fide holders of said bonds, they having been purchased without notice, and insist upon their reception by the State.

And whereas the Governor desires to leave the question of the reception of said bonds within the discretion and action of the Legislature— And whereas if the said General Assembly shall decide that the said bonds shall not be received as part payment of the debt due the State by the said private stockholders, then it is just that provision should be made by law or by resolution of the General Assembly whereby the said Stockholders should receive their due proportion of the Auditor's Warrants as already provided by law to be issued to Macalister and Stebbins upon the return of said bonds or any of them as provided in said act.

It is therefor agreed by the Governor, on behalf of the State, of the first part, and by James Dunlap president of the said Bank, and agent of the private Stockholders, of the second part, That the Governor will receive the three hundred and sixteen interest bonds of one thousand dollars each, on deposit, and unless the General Assembly shall on or before the 20th day of January next by law or resolution repudiate this contract and authorize the issuing of Auditor's Warrants to the said James Dunlap as agent for said stockholders for their proportion thereof as before provided and in pursuance of an act to authorize a settlement with Macalister and Stebbins, and further to diminish the State debt Approved March 4, 1843, the same as if said act had been complied with by them, then the said interest bonds and the interest thereon is to be considered as having been duly received by the State of Illinois in part payment of the remaining debt due by the said Bank to the State for said Bank Stock.

In testimony whereof the said parties have hereunto set their hands and seals this 9th day of October in the year of our Lord one thousand eight hundred and forty four.

THOMAS FORD (Seal)

JAMES DUNLAP (Seal)

Received of J. Beall, late member of the Board of Public Works, the sum of Four thousand five hundred and sixty five dollars and forty three cents (\$4565.43/) in substituted drafts or internal improvement scrip all of it bearing interest from Dec. 10th 1839, except one hundred and twenty dollars which bears interest from May 6th, 1840, and which the said Joshua Beall alledges [*sic*] he received of M. K. Alexander,¹ late member of the Board of Public Works, as part of the appropriation for the improvement of the Wabash river from the sale of saline lands, being as it is said funds received by said Alexander from Saml. Mundy late comr. of the Wabash improvements.

THOMAS FORD, Gov.

and exofficio Fund Comr.

Feby. 25, 1845.

To all to whom these presents shall come—Greeting²

Know ye that I, Thomas Ford, Governor of the State of Illinois, by virtue of power in me vested, do by these presents appoint and direct that an election for two trustees, on the part of the subscribers to a loan authorized by an act entitled An act to provide for the completion of

¹ Milton K. Alexander: born January 23, 1796, in Elbert County, Georgia; 1804, emigrated with his father to Tennessee; served under General Jackson in War of 1812; 1823, removed to Paris, Illinois, and engaged in agricultural and mercantile pursuits; 1826-37, clerk of County Commissioners' Court; 1826, commissioned by Governor Cole as colonel of the Nineteenth Regiment, Illinois State Militia; 1830, appointed aide-de-camp to Governor Reynolds; brigadier-general of Second Brigade, Illinois Volunteers in Black Hawk War; 1837, elected by the General Assembly as a member of the Board of Commissioners of Public Works; postmaster at Paris for twenty-five years; died July 7, 1856 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

² The act of February 21, 1843, had provided that the election should be held at Lockport, Illinois. Pursuant to request of subscribers, the place of election was removed to New York (*Laws of Illinois*, 1842-43, 55; 1844-45, 31).

the Illinois and Michigan canal and for the payment of the canal debt, approved Feb. 21, 1843, shall be held by the said subscribers at the Exchange Bank in the City of New York on the day of in the year of our Lord, one thousand eight hundred and forty five, under the direction of the Judge of the United States for the district of New York, or such person as he may appoint for that purpose in pursuance of the above recited act, and of an act entitled "An act supplemental to an act for the completion of the Illinois and Michigan Canal and for the payment of the Canal debt, approved February 21st one thousand eight hundred and forty three" Approved March 1, 1845.

In testimony whereof I have hereunto set my hand and caused the Seal of State to be affixed. Done at the City of Springfield [L.S.] in the State of Illinois, on the day of in the year of our Lord, one thousand eight hundred and forty five and of the independence of the United States the sixty ninth.

THOMAS FORD

SPRINGFIELD March 10. 1845

GENTLEMEN: I have received your favor of the 2nd inst. and in accordance with our understanding when you were here, I send you a blank appointment for the election of trustees. I have already transmitted to you a copy of the contract, together with Gov. Davis' draft I have also transmitted another copy to Genl. Fry and Mr. Matteson to be signed at Chicago and then to be forwarded to Mr. Leavitt. In my letter accompanying the copy of the contract transmitted to Mr. Leavitt, I promise to forward to him and to Governor Davis a blank appointment for the election of trustees, to be used according to your discretion, as soon as you become satisfied that there is but little doubt that the contract will be signed and the law accepted by the Subscribers.

Your letter of the 2nd inst. would seem to vest a larger discretion in me; and authorizes me if I see proper to complete the papers immediately and risk the approval of the European Subscribers. If you think proper to take this course, you have my hearty concurrence. If the matter should fail contrary to all expectation, I can only subject myself to some censure, by being over sanguine of success, which I am ready to incur inasmuch as if it succeeds the work will commence so much

the earlier on the canal this season. You will see that I have already signed the contract, on my part, and it now rests with the Atlantic subscribers and the gentlemen who hold the proxies of the foreign subscribers, whether they will at once complete the arrangement, relying upon its ratification by the Subscribers abroad.

I will in due time provide a form for a registry of bonds &c. and appoint persons in Chicago, New York, and London, with whom such registry can be made.

I am with the highest respect.

Your obedient Servant

THOMAS FORD

Gov. John Davis

David Leavitt, Esq.

New York.

SPRINGFIELD May 18 1845

DEAR SIR: Michael Kennedy has given me notice in writing that he intends to take depositions upon interrogatories to prove his claim which he makes against the State, to be laid before the Legislature.

He has notified me that he intends to prove by Henry Stebbins the hypothecation of the 804 interest bonds and the terms of the hypothecation; the hypothecation of some of them to Holford and Kingsford and the terms of this last hypothecation; the fact that these last bonds were advertised for sale by Holford and Kingsford and intended to be sold by them on the 27 Oct 1841; that you sent Hopkins for Kennedy, that Kennedy returned with Hopkins; that when they returned you asked Kennedy how much money (meaning bonds and scrip) he had; that Kennedy answered, about forty thousand dollars; that you asked Kennedy where it was; that Kennedy stated about his person; that you said you wanted it to give to Mr. Stebbins; that Kennedy then took out the bonds and scrip and handed them to you; that you immediately shoved them to Stebbins; that Stebbins counted them and said there was but \$38,215,34; that Kennedy requested you to give him a receipt; that Stebbins took out his watch and said there was but fifteen minutes to come and go on and that it would take an hour and a half to write a receipt describing the bonds and scrip with their dates and amounts, and that the receipt could be given at another time; that the bonds and

scrip would remain over there (pointing to the house) and that you assented saying that would do

He also notifies me that he intends to prove the same facts by Mr. Hopkins

He also notifies me that he will prove by Holford and Kingsford the hypothecation of the interest bonds to them; the terms of the hypothecation; that the bonds were to have been sold on the 27th day of October 1841 and that they were determined to sell unless additional security was given; and on that day additional security was given amounting to \$38,215 44 in bonds and scrip and that these are still held by them.

He also notifies me that he will prove by Judge Shields that the receipt given by Stebbins was delivered by Kennedy to Shields, and that you got the receipt from him expressing your intention to settle the matter

He also notifies me that he will prove by one Richard Philips Captain of a Steam Boat that you stated to Kennedy in presence of Philips that the State of Illinois owed Kennedy forty thousand dollars

He also notifies me that he will prove by Mr Hays that he heard you before the 27 of October repeatedly promise Stebbins to furnish additional security to prevent the hypothecated bonds from being sold

He also notifies me that he intends to prove by Mr. Bigelow that you promised Stebbins additional security and declared that you would not leave until additional security was given him; and further that a few days after to wit the 1st Nov 1841 Kennedy stated in your presence that he had loaned you on the Wednesday previous which was the 27th of Oct all the bonds and scrip he had and that you did not deny or dispute it

And finally he has notified me that he will prove by B. F. Butler David Leavitt and others that Stebbins Hopkins and Kingsford are men of good and unimpeached character on whose testimony the utmost reliance may be placed

Kennedy informs me that he intends to make another appeal to the Legislature and will take this testimony to sustain it To give his application the most moral weight he can he has notified me of his intention and what he intends to prove. This matter has been investigated over before and I was in hopes that it was done with; but there is no possibility of preventing an application to the Legislature every session for the next twenty years

It may be worthy your consideration whether it is not our duty to

get all the evidence on the part of the State that can be got. I think that it is, and also that Kennedy's Witnesses should be thoroughly cross examined I think I remember hearing you say two years ago last Winter that Kennedy was sworn before the Committee and testified against his own claim. I want to take your own testimony also the testimony of some of the Committee who will remember Kennedy's evidence

I wish you immediately and without delay to send me a set of cross interrogatories to be put to Kennedy's witnesses; a set of questions concerning Kennedy's evidence before the Committee and the names of the members of the Committee whose evidence ought to be taken; and also the substance of what your own evidence will be so that I can frame interrogatories on it also advise me of any other matter which ought to be proved and the name and residence of the witness or witnesses by whom it can be proved

Your earliest attention to this matter is most earnestly solicited We must not allow Kennedy to take his testimony *exparte* and then have him and his friends say that we have been notified and were afraid to take the evidence on the part of the State

Do answer in full, in at least two days after you receive this.

I am most respectfully

THOMAS FORD

Genl. John D. Whiteside¹
late fund Comr.

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILL. Nov, 25 1845

SIR: In answer to your favor of Nov 3d I have the honor to transmit to you a list of selections of land under the distribution law of '41. It is taken from the list of selections made by Mr. Adams in Oct last. It embraces only 603 45/ acres; and to make this amount we have been compelled to take a detached 80 & 40 acre tract. These last tracts are submitted, with some doubt, for your approval. But as they are neces-

¹ John D. Whiteside: born 1794, at Whiteside Station, Monroe County, Illinois; 1830-36, representative in General Assembly; 1836, presidential elector; December 5, 1836-March 6, 1837, state senator; March 4, 1837-March 6, 1841, state treasurer; 1844-46, representative in General Assembly; 1847, member of Constitutional Convention; 1850, died at place of birth, where he is buried; Democrat in politics (*Illinois Historical Collections*, IV., 164, n. 2).

sary to make the amount to which the State is entitled, I hope they will be allowed.

I am very Respectfully

Your obedient Servant

THOMAS FORD

Hon James Shields¹

Comr. Gen Land Office

Washington City

Statement of the lands selected for the State of Illinois by Elijah Adams agent appointed by Gov. Ford, in lieu of former selections made by Greenup, Young, and Berry under the act of Congress approved September 4th 1841 entitled An act to appropriate the proceeds of the sales of the public lands and to grant preemption rights and under the act of Congress approved 19th March 1842 entitled An act to authorise the Governors of the States of Illinois Arkansas and Missouri to cause to be selected the lands therein mentioned which selections have in part been rejected and set aside by the Commissioner of the Genl. Land Office for illegality in selecting and prior preemption claims

REPORT No. I

Date of Selections	No. of Township	No. of Range	Description	No. of Sections	Quantity	Aggregate
Oct 18, 1845	42	10	W. $\frac{1}{2}$	19	322 $\frac{24}{100}$	603 $\frac{45}{100}$
	"	"	E. $\frac{1}{2}$ N.E. $\frac{1}{4}$	19	80	
	"	"	N.W. $\frac{1}{4}$	30	160 $\frac{51}{100}$	
	"	"	N.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$	30	40	

E. ADAMS Agent

Springfield 25 November 1845.

¹ James Shields: born December 12, 1810, in Dungannon, County Tyrone, Ireland; 1826, emigrated to United States; 1832, began practice of law at Kaskaskia, Illinois; 1836–38, representative in General Assembly; March 4, 1841–March 26, 1843, state auditor; August 16, 1843–April 2, 1845, judge of Supreme Court of Illinois; brigadier-general in Mexican War, serving under Generals Scott, Taylor, and Wool; gained brevet of major-general at Cerro Gordo where he was severely wounded; also wounded at Chapultepec; 1848, appointed governor of Oregon Territory; 1849–55, United States senator from Illinois; 1856, removed to Minnesota; May 12, 1858–March 3, 1859, United States senator from Minnesota; 1859, removed to California; August 19, 1861, commissioned brigadier-general of volunteers; commanded division under General Banks; June 9, 1862, defeated by General Thomas J. Jackson at Port Republic; March, 1863, resigned from army; removed to Missouri and practiced law at Carrollton; 1874–79, member of legislature of Missouri; 1879, elected to United States Senate to fill unexpired term of Senator Bogy, serving from January to March; died June 1, 1879, at Ottumwa, Iowa (Palmer, *Bench and Bar of Illinois*; *National Cyclopaedia of American Biography*, 1905).

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL. Nov. 25, 1845

SIR: I have caused the following selections to be made of Seminary lands, being two sections. The selections of Seminary lands granted by act of Congress to the State of Illinois have not yet been completed; and this list is furnished to complete the same—to wit:

	SW $\frac{1}{4}$	Sec 24	Town 41 N	R 11 East	160
W $\frac{1}{2}$ of the	SE $\frac{1}{4}$	" 24	" 41 "	" 11 "	80
W $\frac{1}{2}$ "	NE $\frac{1}{4}$	" 25	" 41	" 11 "	80
	NW $\frac{1}{4}$	" 25	" 41	" 11 "	160
E $\frac{1}{2}$ "	NW $\frac{1}{4}$	" 26	" 42	" 9 "	80
E $\frac{1}{2}$ of the	NE $\frac{1}{4}$	Sec 26	Town 42 N	R 9 East	80
	SE $\frac{1}{4}$	" 26	" 42 "	" 9 "	160
E $\frac{1}{2}$ "	SW $\frac{1}{4}$	" 26	" 42 "	" 9 "	80
	N $\frac{1}{2}$	" 25	" 42 "	" 9 "	320
W $\frac{1}{2}$ "	SW $\frac{1}{4}$	" 24	" 42 "	" 9 "	80
Acres					<u>1280</u>

I am most respectfully

Your obedient Servant

THOMAS FORD

Hon. James Shields
Comr. Gen Land Office
Washington City.

REGISTER OF OFFICIAL LETTERS
VOLUME V.

A

From oil painting in Cabinet, Springfield
AUGUSTUS C. FRENCH, GOVERNOR OF ILLINOIS 1870-1872

CHAPTER III

EXECUTIVE LETTER-BOOK OF AUGUSTUS C. FRENCH AND JOEL A. MATTESON, 1846-53

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec 10th 1846

SIR: I am informed by my predecessor Gov. Ford, that the time of continuance of the force under your command at Nauvoo, was limited to the 15th inst.

Believing that no further necessity exists for continuing a military force at that place, you will please to disband and allow the troops to return home, after the day fixed by Gov. Ford

AUGUSTUS C. FRENCH¹

Governor of the State

To of Illinois

Maj. J E Jackson

Military Commandant

at Nauvoo Illinois

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec. 10 1846

TO MAJ J E. JACKSON

Military Commandant stationed at Nauvoo

DR SIR: Since despatching my former letter of this date to you, I have received your letters of the 7th & 8th inst. That letter will be regarded as a sufficient answer to yours of the 7th

¹ Augustus C. French: born August 2, 1808, at Hill, Merrimack County, New Hampshire; student at Dartmouth College but did not graduate; 1831, admitted to bar; emigrated to Albion, Illinois; 1832, removed to Paris where he built up a good law practice; 1836-40, representative in General Assembly; 1839, appointed receiver of public money at Palestine; 1844, democratic elector; December 9, 1846—January 10, 1853, governor of Illinois; appointed bank commissioner by Governor Matteson; 1858, candidate for office of Superintendent of public instruction; professor of law in McKendree College; member of Constitutional Convention of 1862; died September 4, 1864, at Lebanon (*Blue Book of Illinois*, 1905; *National Cyclopaedia of American Biography*).

In regard to necessary stores which you may have on hand at the time of breaking up camp at Nauvoo and which shall not be wanted for the comfort and support of the men under your command, and which will not bear transportation, you can dispose of upon terms which may seem most favourable to the State. This order is designed to extend to such articles as stoves, Tents and cooking utensils and the like. Much must depend upon your judgment in this matter

AUGUSTUS C. FRENCH

Governor of the State
of Illinois

To the citizens of Hancock County.¹

Having determined to permit the troops now in the service of the State, and stationed at Nauvoo, to withdraw and return to their to their homes, I deem it not inappropriate to address a brief communication to you. In withdrawing the military force I have been actuated by the conviction that their presence is no longer required to insure order and tranquility to your County. This conviction arises from the belief that you cherish an earnest desire to avoid further acts of violence and to restore order and quiet once more in your midst. You cannot but be sensible of the peculiarity of my position, if the confidence reposed in you by this act of mine shall be forfeited and scenes of disorder and violence follow from it. Allow me then to say that I confidently rely upon your assistance and influence to aid in repressing or preventing any acts of a violent character in future—

By adopting a course calculated to restore good order to your County you will show to the world that after the original causes of domestic discord have been removed, unaided and alone, you are able to reinstate the majesty of the Laws, and thereby prevent many sinister inferences which otherwise would be certain to follow.

Springfield Dec 12th, 1846

AUGUSTUS C. FRENCH

Gov. of the State of
Illinois

¹ This proclamation is the closing act of the Mormon trouble in Hancock County. A short sketch of the Mormons in Illinois is given in the Introduction, lxxviii ff.; for further reading see Bibliography.

SPRINGFIELD Dec 12 1846

DR SIR: Having an opportunity to send a line direct to you by Mr Yates¹ I have taken occasion to improve it—For your directions in regard to your future course I refer to the two letters already addressed to you and despatched by mail—

As it may be possible they will not reach you before this I have thought best to insert here the substance of them, that you may order your preliminary arrangements in conformity thereto. They are in substance as follows—

1. That you disband your force on the 15th the day fixed by Gov. Ford.

2. To dispose of the Tents, Stoves, cooking utensils &c on the best possible terms for the State. Much in this respect depending upon your discretion in regard to these articles which will not pay transportation

This will be considered by you as a private letter and merely indicating the general orders you will very shortly receive as referred to above, that you may be preparing for them

AUG. C. FRENCH

Gov. of the State of
Illinois

Maj. J. E. Jackson
Mil. Cominendant
at Nauvoo.

SPRINGFIELD Dec 21, 1846

TO CAPT AIKEN

DR. SIR: I take the liberty of addressing you a letter on the subject of the difficulties in Massac County.² A great number of representa-

¹ Probably Richard Yates: born January 18, 1815, at Warsaw, Kentucky; 1831, accompanied parents to Illinois, settling first at Springfield and later at Berlin, Sangamon County; educated at Miami University and Illinois College; read law with Colonel John J. Hardin at Jacksonville, where he continued to live; 1842-46, 1848-50, representative in General Assembly; 1851-55, representative in Congress; January 14, 1861—January 16, 1865, governor of Illinois; 1865-71, United States senator; died suddenly at St. Louis, November 27, 1873 (*National Cyclopaedia of American Biography*; *Blue Book of Illinois*, 1905).

² The difficulties in Massac County refer to the conflict between the so-called Regulators on the one hand and the so-called Flatheads on the other. The scene of the conflict was in that section of the state included in the present counties of Massac, Hardin, and Pope. This section had been infested with horse thieves and counterfeiters several years

tions in relation to the disturbance in that County have already reached me and as might be expected, they embrace almost every conceivable shade of difference. Were I to trust wholly to the statements of one party, to the difficulty I might perhaps be justified in making an immediate move by force to quell the difficulties forthwith. But the necessity of feeling myself justified before resorting to strong measures is with me equally imperative, with the determination to move efficiently in the matter, if compelled to interfere.

It is for the purpose of obtaining some thing like a full and correct statement of facts in regard to the existing state of things in Massac County, that I address you this letter, with the request that you will visit that County and if convenient, with one or two friends, of good standing and who entertain no prejudices in relation to the matter, and endeavor to obtain correct information in regard to the true state of affairs. From my acquaintance with you, and my confidence in your firmness as well as prudence, I am anxious to employ you for this purpose. You will be careful to preserve an impartial position, between the parties to the disturbance. I have an additional reason for requesting your services at this time, for if it shall become necessary to employ military force, to repress the disturbance in Massac, I shall rely upon you and your company to move in the matter, if you can assure me that you can confidently rely upon them, of which please inform me as soon as possible I hope then you will be pleased to accept and visit the scene of violence in Massac County immediately, and as soon as possible

before the actual breaking out of hostilities. Following a murderous attack upon an old man and his wife, an organization composed of the best men of the community was effected for the sole purpose of seeing that the laws were properly executed. To this party was applied the name Regulators. For a while the Regulators had all the authority in their own hands, and no doubt exercised it judiciously. Such an organization gave to unscrupulous men an opportunity to inflict undeserved punishment upon anyone against whom they had a personal grudge. The situation became acute just before Governor Ford retired from office. Not knowing his successor's attitude in the matter, he did very little to settle the difficulty.

The legislature of 1846-47, discussed thoroughly the Massac difficulty with the result that a district court with jurisdiction in criminal matters was established in Illinois. In this way it was hoped that the trials of suspected parties might be removed from the immediate neighborhood of the trouble. This act was supplemented by another, later, but neither was effectual in putting a stop to the difficulty. Conditions became so bad that a special session of the legislature was called to meet October 23, 1849. Within a week that body made it clear that the state was ready and able to force obedience to law. The result was a gradual subsidence in crime, and within a year peace and quiet reigned (Hon. James A. Rose in *Publications Illinois State Historical Library*, No. 11. In the State Historical Library may be found a bound collection of data on this subject, compiled under the direction of Secretary Rose).

report to me the true state of things in that County. Please acknowledge the receipt of this forthwith, and you will receive answer &c.

AUG. C. FRENCH
Gov. State Illinois

SPRINGFIELD Dec 21 1846

DEAR SIR: I am just informed by a letter from Gov. Ford. that you had received some orders from him in relation to the difficulties in Massac County. He informs me that by your report and the published proceedings, which took place while acting under his orders, you failed to discover who the notorious rogues and horse thieves were against whom the People had become exasperated. That from the fact that the "Regulators" refused to appear and point these characters out, you thereby inferred that none such existed in your County and have formed your course accordingly. This he regards as founded in error. You will therefore suspend any further action in the matter under his orders until further advised from me, in regard to the matter. In the mean time I will be pleased with any suggestions from you touching this unpleasant difficulty

AUGUST C. FRENCH
Com. in Chief Ill. Militia

Doct W. J. Gibbs¹
Vienna
Ill

EXECUTIVE DEPARTMENT

SPRINGFIELD Dec. 25, 1846

SIR: My predecessor Gov. Ford informs me that he has heretofore availed himself of your assistance in paying interest on the indebtedness of this State, and that all has been done entirely to his satisfaction. I am also desirous of procuring your assistance in furtherance of the same

¹ The part taken by Dr. Gibbs in the Massac trouble may well be given in the words of Governor Ford: "He [Ford] therefore issued an order to Dr. William J. Gibbs, of Johnson county, authorizing him to call upon the militia officers in some of the neighboring counties, for a force to protect the sheriff and other county officers, the magistrates, the grand jury and the witnesses before them, and the honest part of the community. Dr. Gibbs proceeded to Massac, and called to his assistance two justices of the peace; he required the Regulators to come before them and establish their charges, so that he could know who were and who were not rogues, to be put out of the protection of the law. The Regulators declined appear-

matter. There is now in the Treasury of Illinois over \$32,000, appropriated to the payment of interest on the State Bonds.¹ I wish you to inform me if by depositing this amount or whatever may be on hand at the time to the canal office in Lockport in this State, I can receive a credit in New York to the amount, and you will proceed as under Gov. Fords instructions to apply it as above designated. If any further instructions from me may seem necessary, please refer to them, and they will be furnished you

Very Respectfully Yours

AUG. C. FRENCH

D. Leavitt Esq²
N. Y.

STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD Feby. 11. 1847

TO MESSRS MAGNIAC[;] JARDINE & CO
& MESSERS BARING, BROTHERS & CO.

GENTLEMEN: As the Executive of the State of Illinois, I deem it my duty to inform you that I have appointed Col. Oakley Trustee of the Illinois and Michigan Canal, on the part of the State,³ and that he has already entered on the discharge of the duties pertaining to that Office. Feeling a very deep interest in the honor and credit of the State over which I have recently been called to preside, and believing that the interest of her creditors are intimately connected with the early completion of the canal I cannot omit to express the hope that this appointment on my part, which reflects the wishes of the People of the State,

ing before him, wherefore the doctor adjudged that there were no rogues in Massac county, and that all were entitled to protection against the Regulators. He proceeded to call for the militia of Union and other counties; but notwithstanding the doctor had adjudged that there were no rogues in Massac, the militia knew to the contrary, and as was seen by the governor, the militia refused to turn out for their protection."—Ford, *History of Illinois*, 441-42).

¹ March 1, 1845, the legislature had provided for a one mill tax for the year 1845, and a one and one-half mill tax thereafter for the sole purpose of paying interest on the state's indebtedness. The payment of interest was to begin July 1, 1846.

² David Leavitt was a banker of New York City. He helped the agent of the state, Colonel Charles Oakley, to negotiate the new loan of \$1,600,000 for the canal, and afterward became one of the trustees. See Introduction, lxxiv, *passim*.

³ Governor French refused to reappoint General Fry as state trustee for reasons stated. *post*, 138. Considerable opposition arose to the appointment of Colonel Oakley. Vote of ratification, 26:13 (*Senate Journal*, 1847, 147).

will also prove equally agreeable to yourselves. The gentleman appointed is one of our most experienced and efficient business men and enjoys in an eminent degree the confidence of the People of this State, and has always stood among the first of those who have urged upon the People, that their first and Highest duty was to respect the plighted faith of the State. I flatter myself then, that under Col Oakley, so far as may devolve on him that great work will now go forward to completion at an early day and that you, Gentlemen, may in a short time reap something more substantial than regrets for the past or mere promises for the future. Without the least desire to dictate to the Bond holders what course they ought to pursue, still I cannot withhold the remark that in my opinion the permanent residence of one of the Trustees appointed on your part, near the line of the canal, to act promptly, and constantly cooperate with the State Trustee would greatly accelerate the progress of the work on the canal, save expense and remove frequent causes of annoyance and delay, which are known to have occurred during the last eighteen months.¹

I expect to be in the City of New York, some time in the month of April next and shall be gratified to hear from you at that place, care of Prince, Ward King & Co

With sentiments of high regard

I have the honor to be truly yours

A. C. F.

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL Mch 18th 1847

DR SIR: Your letter of the ——ult enclosing also the copy of a letter heretofore addressed to my predecessor Gov. Ford has just reached me, and I take an early occasion to return you an answer. As you suppose no letter corresponding with the copy enclosed ever reached my hands. The subject of your letter has not escaped my notice or failed to institute a theme of constant and earnest remark among the members of the Legislature generally. There is but one opinion entertained here in regard to the salaries of the non resident Trustees which is that they

¹ The fact that the trustees for the bondholders did not perform their duties in person was a source of considerable dissatisfaction to the people of the state. Their power was many times delegated to men of little ability, who outvoted the state trustee much to the detriment of the state.

are exorbitantly high. From the feeling universally manifested by all our citizens to whom the fact has been disclosed, there cannot be a doubt, but what there will finally be the most determined opposition to the allowance of such gross imposition. I am informed that the arrangement for the salaries of the nonresident Trustees was made in Europe, probably without consulting the American Bondholders. What effect this might have upon the rights of all who contribute to the general fund but were not consulted in the matter I am not now prepared to say. One thing may be set down as certain, that such salaries for so slender services will never be agreed to by the People without extreme opposition. Their salaries are so utterly disproportionate to the services rendered, that the injustice can neither be conceded or glossed over.¹

There is another consideration closely connected with this subject, and which ought not to be overlooked, as it may furnish ground for many heart burnings. The absence of the non resident Trustees renders it necessary that some of their most important duties connected with the immediate prosecution of the work on the canal, be discharged by proxy or subordinates who are but little fitted for so responsible a position. Disagreements often arise between these semi officials and the State Trustee in which as matter of course the latter is overruled. Some of these were regarded of so much importance that the State Trustee, to vindicate himself, entered his protest upon the record of their proceedings. Tis true by being thus entered the matter would for a time be kept shut out from the public, only to burst forth hereafter causing probably a storm of opposition, which ought by all means to be guarded against from the necessity of preserving the utmost harmony between the People and Bondholders. The attempt to keep these matters in the dark until the canal should be completed &c. was one of the reasons why I utterly refused to reappoint the old Trustee Gen. Fry. If things went wrong on the canal I considered it a duty to inform the non resident Trustees or even the Bond holders themselves that a good understanding between the People and Bond holders should not be jeopardized by acts smothered for a time but to become more irritating and exciting hereafter. With a knowledge of these facts, the entire Senate and House of Representatives, with scarcely an exception addressed me a letter, requesting me to urge upon the Bondholders the absolute necessity of one of their Trustees residing in the State, to prevent the recurrence of such acts

¹ For a statement of salaries of trustees see *post*, 175, n. 1.

in future, a copy of which is now enclosed to send to Europe by the very first opportunity. I should much regret that any cause be taken which would in the slightest degree embarrass the work on the canal, but I feel called upon in justice to the position I occupy to declare most distinctly that I know there will be great opposition to allowing such salaries for so slender services. Of this I shall inform the European Bondholders at the very earliest day. I wish what I have here written to remain mainly between us at present, as I now expect to be in N. York the last of April when I hope an opportunity to converse with you on this subject.

With sentiments &c

A.

Silas Wood Esq
N. Y.

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL. Mch 19, 1847

MESSRS BARING & BROTHERS & Co
London

While performing a duty required of me, to transmit you certain resolutions,¹ passed by the several branches of the General Assembly, of this State, I take the liberty of addressing you directly upon a very important and delicate subject. In doing so, Gentlemen, I shall use the utmost frankness and I feel fully assured you will do full justice to my motives. So far as the Resolutions themselves are concerned, little need be said by me more than that I believe they may be regarded as the true exponent of the wishes and feelings of nine tenths of the People of the State of Illinois. You are aware that this State embarked in an extensive

¹ Resolutions referred to:

"*Resolved* by the House of Representatives, the Senate concurring herein, That the State of Illinois is bound by every principle of justice and a regard to its honor and credit, to make provision for the payment of its debts, and we consider it the fixed policy of the State to provide by all practicable means for the accomplishment of that object.

"*Resolved*, That the Governor be requested to open a correspondence with the holders of our internal improvement bonds, for the purpose of ascertaining on what terms they will consent to the funding of our debt, and the emission of new bonds.

"*Resolved*, That all the electors qualified to vote for delegates to the Convention called to amend the Constitution, are hereby recommended to vote at the election for said delegates for or against the imposition of a poll tax, not exceeding one dollar on all male citizens of the State, above the age of twenty-one years, soldiers of the Revolution and soldiers of the late war with Great Britain, or the present war with Mexico, wounded or disabled in the service, excepted; and the proper officers are hereby required to give notice of, open polls for, and make returns of, said vote, together with the vote for said delegates."

—*Laws of Illinois*, 1847, 171

system of Internal Improvements,¹ on the sole credit of the State, some years since, incurring thereby a very heavy debt. Not one of the works thus undertaken, has been completed, or made capable of yielding the least Revenue to the State. In a word they have been long since abandoned and will probably never be resumed. In consequence of the unfavourable termination of these undertakings and a general depression in the pecuniary circumstances of the People which soon followed, the State has been unable to meet the interest on her public debt according to her solemn engagements. This misfortune has subjected the People of this State to the mortification of being stigmatised as Repudiators &c altho' subjected to the humiliating necessity of admitting our inability to meet the just dividends of our creditors nothing certainly can be farther from the wishes and determination of the People than an intention to repudiate their honest debts. If they could but once meet on their public debt, and know that with all their exertions their indebtedness was not continually augmenting, the main difficulty would be at once overcome. The Legislature at its late session authorised the Governor of the State to withdraw from the market all the Internal Improvement Bond and Scrip and substitute in lieu thereof a uniform transferrible [*sic*] stock. This was regarded at the time as a kind of alternative measure, dependent to some extent upon the view taken of the Resolutions, which I have herewith enclosed, by our creditors. If they consent to no arrangement by which the current rate of interest may be some what assessed, it will then become matter of good policy for the State to take this step to clear away some of the confusion and embarrassment which hang around this peculiar class of our State Indebtedness. Acknowledging to the full extent the obligations which rest upon us to meet our creditors with some permanent system of Legislation by which the interest upon our debt may hereafter be permanently and punctually provided for, I have been induced to suggest to the creditors of the State whether some proposition may not be obtained from them by which the accruing interest on the above mentioned class of our indebtedness may be brought within the ability of the State to meet it—Would not the European Bondholders be willing to surrender up the Internal Improvement Bonds now held by them and receive therefor a new transferrible [*sic*] stock, of something like the following description, with the certain guarrantly [*sic*] that it should be

¹ For a detailed account of the contemplated expenditures and the outcome of the Internal Improvement System, see Introduction, I-lxii.

punctually paid by the State as the interest accrued. Say 3 per cent for the next 3 years—3½ pr ct for the next 3—four for the next—and 4½ thereafter until the bonds be discharged and for the overdue coupons receive a deferred stock bearing say 4 pr cent after 8 or 10 years. Could a proposition of some such character be obtained the most satisfactory guarantee can be furnished that the State will perform whatever may be incumbent upon her. I do not hesitate to say that an arrangement something like this would be followed by mutual advantage to both parties in the end. If there is any prospect of a proposition of a kindred character to the above instead of forthwith, withdrawing the stock as before hinted I will wait until it could all be arranged under such proposition and submit the matter to the Legislature at their next meeting. I sincerely hope Gentlemen you will give this subject your serious consideration and submit to your friends in London and Amsterdam, as I think much very much depends upon it &c

With sentiments of high regard

I have the honor to be truly yours

AU.

SPRINGFIELD Mch 27, 1847

HON WM A. DENNING¹

I received your letter dated at Mt Vernon, in due time, also the letter of Col Boyakin² relating to the same subject, the Massac difficulties. On the last evening, Mr. Yost, from Benton came here express, with a letter from Gen. Davis of Metropolis &c. Taking all together I am satisfied no quiet or peace exists for the orderly and well disposed People of Massac County until the existing Laws are enforced in that County. I have therefore directed to you and sent by the express, Mr. Yost, a proclamation for you to put in operation the District Court in your Circuit to try the offenders in Massac County.³ From what I

¹ William A. Denning: 1844-46, representative in General Assembly; 1846, re-elected, but resigned; January 19, 1847-December 4, 1848, judge of the Supreme Court of Illinois; December 4, 1848, commissioned judge of Third Circuit (*Blue Book of Illinois*, 1905).

² Henderson P. Boyakin: 1844-48, representative in the General Assembly; June 8, 1847-October 15-18, 1848, lieutenant-colonel of the First Regiment Illinois Volunteers "during the war" (*Blue Book of Illinois*, 1905; *Adjutant-General's Reports*).

³ The court to be held by Judge Denning in this particular case had been provided for by the legislature of 1846-47. It was called to meet at Benton, April 22, 1847. After a session of nine days, the court adjourned until May 24. There are no records to show that the court met again (*Transactions of the Illinois State Historical Society, Publication No. 11*, 119).

gathered from your letter and the enclosed in it, and from other sources, I do not think the Regulators will interfere. What may become of those in Johnson County, I cannot so well determine. If you think it necessary to embrace Johnson let me know soon &c. The suspected in Massac may run into Johnson or other counties, but from the extensive power of the Court over all the active Peace Officers in this Circuit, no difficulty will prevent their arrest in every County I think in any move the Marshall [sic] may be required to make in the County of Massac, that secresy [sic] is a great deal. He ought to obtain all information possible of those who know of who the Regulators are, where they most congregate and their secret haunts. The Marshall [sic] ought also to call to his posse some of the citizens of Massac, who are unsuspected to give information and act as kind of pilots &c. Almost every thing depends upon the coolness, firmness, and steady energy of this Officer to sustain his ground at all hazards let the consequence be what it may keep me advised. Should any additional arms be necessary let me know and I will give orders, that they await your demand at Alton.

A. C. F.

SPRINGFIELD July 16th 1847

MY DEAR SIR:¹ Your letter of the 7th inst. has just been received, and in complying with your request I take the very earliest opportunity to answer it. I extremely regret that it is highly probable, that the law of the last session of the Legislature of this State making provision for the settlement of your claims will not be carried out. A great variety of reasons might be urged why a noncompliance with the provisions of this Law might in the end prove unfortunate

Among the most prominent, is, that it was given out before its passage, by those in whose charge you placed the affair that such a law would be satisfactory to you and readily accepted. Such seemed to be the general conviction of the members and under it the Law was passed. Should it after this be presented again it will be almost certain to ensure a strong prejudice which will greatly jeopardise the prospect of a satisfactory arrangement From what I know it is almost certain that no bill can be got through again, starting anew, which will be so favourable as the present Enemies hereafter will be found among those who have been friends Let me impress you with the neces-

¹ Probably Charles Macalister

sity of making a strong effort to carry it out if its provisions meet your views, as far as it goes. By casting your eye over the Law you will at once see that I cannot comply with your request in regard to Mr Hatfords Bonds. The Law absolutely deprives me of the power of effecting any thing less than a complete and final arrangment [sic]

This required to be done either by a surrender of Securities or deductions according to the rate prescribed by the Law

I am &c

AUG C F.

CITY OF NEW YORK, Sept. 28th 1847

MESSRS.

Your letter of the 18th of August reached me but a few days since, and not in time for the return of an answer by any steamer previous to the present. Hereafter by directing any communication intended for me, to the care of S. [T ?] W. Ward Esq. of Boston or James F. King & Son of this City, I may rely upon receiving it in proper time, and that it will be promptly forwarded to me. In your letter you express a wish to learn my intention, "more particularly upon one point," upon which, in my Circular of the 18th June, no explanation appears, namely, "the Terms on which the Internal Improvement Sterling Bonds are to be converted and the nature of the New Stock to be substituted for them." By the conversion the holders of these Bonds are not expected to make a sacrifice. In the substitution of Dollar for Sterling Bonds, the holder of the latter will receive the average par exchange between this and the country where the holder resides, say the Custom House or Revenue standard for the present pound sterling here, in dollars, or about four dollars and eighty cents to the pound Sterling. I have been informed that Mr. Jaudon has exchanged for the Houses of Denison and Morrison & Sons, London, Sterling Bonds, at their request, at four dollars and eighty cents to the pound Sterling. If this rate is not just it will be made satisfactory to your agent here, as it is extremely desirable to me, that the exchange shall be effected in this City. The converted Stock contemplated to be issued in place of the present Bonds is substantially the same as the New York and Ohio Stocks and will be transferred in a similar manner.

Baring & Brothers
London

SPRINGFIELD Novem. 30th 1847

DR SIR: Your communication of the inst. has just reached me, and I take the very earliest occasion to return you an answer. Your defence against certain charges preferred against you by the State Trustee, was the first intimation I had received of the extent to which your misunderstandings had been carried. I had read the published Letters which passed between the several members of the Board of Trustees, and plainly foresaw the conclusion to which it all must soon come. I think it is much to be regretted by all interested that sufficient time had not been allowed by the Board to produce before them all the important testimony proper to the charges preferred. Having assumed the duty tendered it by the Bondholders in New York, there were many considerations and inducements why the examination should have been full, amicable and complete.

The whole affair is now left in a position unfortunate for both parties, to whom, instead of having it all embodied and settled at once, [it] is, it seems, to be presented in detached portions difficult to be passed on, and uncertain when it will be ended. If a reasonable time had been allowed and the State Trustee neglected or refused to produce his testimony to sustain his charges, the Board might with propriety abandon any further inquiry, and with strict justice. The relations sustained between the members of the Board, the duty assumed under the Bondholders, the character of the charges, and only strict justice to yourself seem to require that the matter ought not to have been abandoned in haste or for any but very substantial and justified reasons.

I frankly declare to you that I was solicitous that a full and impartial examination might be made by the Board, and probably so expressed myself to Capt. Swift. It seemed to me that such a course was required for causes of which you are as familiar as myself. In respect to any matter connected with the Canal I have generally been compelled to rely upon reports, and by the Law, having been stripped of any active agency in the matter, did not consider an active interference in its affairs incumbent upon me, further than such as was consistent with a commendable anxiety for its very early completion. In this may be found the explanation why I have not given the canal more of my immediate attention. The manner in which I have manifested this anxiety is fully known to Capt. Swift and Mr. Leavitt, and I am perfectly willing to rest upon their presentation of it, and our intercourse, which was of a

friendly and unreserved character. Knowing little or nothing, of my own personal knowledge, I have always stated to them the true character of what I informed them, that it was report. There was one subject which I probably sought to bring to their attention more distinctly than others, as it was one which I felt assured ought to be looked to at once, if true. I had become impressed with the conviction that the active engineer force, by this I embrace agents &c. employed on the works, was larger than was required in this advanced and more limited stage of the work. If this were so, I strenuously insisted upon its being rectified. You certainly do me no more than justice in attributing to me purity of motive in regard to the limited action allotted me in the whole matter—and notwithstanding the malignant effusions of some of the Chicago papers, and scurrilous epithets which have been so lavishly thrown upon me, I challenge the person on or off the line of that work to put his finger upon a single act of mine which indicates selfishness, or any thing inconsistent with what I honestly and sincerely regard the best interest of the canal. Those who know my motives, my acts, my expression without regard to opinion or party, know this to be most rigidly true. Had not such been my controlling motive, surely there existed elements enough to invite to a different course. I have been led into a more lengthy letter than I intended and in conclusion will state that I shall receive your evidence when printed, and carefully peruse it. And in the mean time be assured that if you have not been furnished with a copy of whatever charge may be laid before me, against you, they will be furnished you by my direction.

I am, very respectfully

Yours &c

AUG. C. FRENCH

W Gooding Esq¹

¹ William Gooding: born April 1, 1803, at Bristol, Ontario County, New York; educated in common schools and by private tutors; taught school and worked on his father's farm; studied engineering and obtained employment on the Welland canal; merchant at Lockport, New York; assistant engineer on Ohio Canal; 1833, came to Cook County where he engaged in farming; 1836, appointed assistant engineer on the Illinois and Michigan Canal; 1842, appointed chief engineer; removed from that position by Governor French; 1848, appointed secretary of canal board; died May, 1878 at Lockport, Illinois (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

There was considerable difference of opinion concerning Mr. Gooding, who was an engineer of ability. Colonel Oakley, state trustee, opposed him, while the two remaining trustees upheld him and appointed him secretary of the board after he lost the position of chief engineer. When Governor French finally removed Mr. Gooding from the office of chief engineer he gave as his reasons: (1) Errors committed and injudicious manage-

Your requisition upon me, for the apprehension of Andrew Pringle, Joseph Thornton, Samuel Stead and John Davidson, fugitives from justice, and their delivery to Gilbert F. Hays your accredited agent, has been presented to me.

I have carefully inspected the papers which accompany your requisition, and given them all the consideration which courtesy and a sense of duty demand. Feeling it my duty to withhold my warrant for their apprehension, I deem it proper to apprise you in a brief way of the reasons which prompted me to this conclusion. The exceptions which I have taken are intended to apply more particularly to the cases of Pringle and Thornton, because the facts against them appear in a stronger light than against the other two. The entire evidence upon which the requisition is grounded, is the affidavit of one T. Bryon who swears himself to be the agent of the parties in Europe who claim an interest in the Articles charged as the subject of the Larceny. This affidavit derives all its force from a section of a Statute of the State of New York which makes the thief having the stolen goods in possession guilty in that State, although the taking was originally beyond the limits of the State. This section is in substance but a simple Statutory enactment of a principle of the common law. But before this Statute can attach, it must be made clearly to appear that a Larceny had been committed, and as the affidavit of Bryon is the only paper to which we can recur for this fact in the present instance, it should be found there.

So far as I am informed it is a principle applicable to an Ex-parte Affidavit and especially in Criminal cases, that it set out distinctly, and clearly the offense charged, leaving no essential and material fact to be inferred, or facts, without which the offense does not fully appear. The presumption is that the affidavit embraces all the facts within the knowledge of the affiant, and if any thing is omitted it is because in truth it could not have been stated. Bryon's affidavit shows no time when the Act of Bankruptcy was committed, but that the parties charged arrived in the U. S. prior to the time the interest of the parties whose Agent he claims to be accrued. It is charged that the Fugitives arrived in Boston July 4, 1847, two days before the Decision in Bankruptcy by virtue of which the assignee claims rights under the municipal Laws of Britain.

ment of the works upon the canal, as chief engineer; (2) the want of the proper and necessary energy for such a work; (3) an undue partiality to some contractors, and an undue harshness and severity toward others; (4) unfairness as an officer in managing the letting of contracts; (5) general complaint of his conduct as chief engineer (*Senate Journal*, 1849, 257).

In these respects the affidavit seems to me to be clearly insufficient. I regard it as a politic and just rule that the affidavit upon which a Fugitive from Justice is demanded ought upon its face to be sufficient to require the party charged to answer. Believing the affidavit to be insufficient in this respect, I must respectfully decline to award my warrant for the apprehension of the parties referred to, agreeably to your Excellency's Requisition.

Gov. Young
New York

EXECUTIVE DEPARTMENT, ILLINOIS
SPRINGFIELD, Nov. 30th 1847

SIR: The Law having made it incumbent upon me, in case the County of Highland¹ failed to organize in a given time, to appoint an "Assessor and Collector" for said County; and being satisfied that it has failed to do so, I have taken the liberty of requesting you to act in that capacity, and have accordingly ordered your Commission to be forwarded to you for that purpose. From the representation of your friends I have the utmost confidence that you will discharge your duty, if you conclude to accept, in a proper manner, by carefully avoiding every unnecessary annoyance, or engendering any further difficulty than is strictly incidend [*sic*] to the business of your appointment. Hoping that in this you may fully succeed, and not add any thing to what has already tended to disturb the Citizens of that County, who have been very unfortunate in many particulars.

I am very respectfully

Yours

AUG C FRENCH

James Sykes Esq
Highland Co
Ill

EXECUTIVE DEPARTMENT
SPRINGFIELD Dec. 16, 1847

DR SIR: Under the new arrangement in regard to the Public Debt of the State of Illinois it becomes necessary to establish some new rules and modify some of the former regulations under which you have acted in the payment of Interest. The gross amount upon which you are

¹ Highland County had been formerly called Marquette County. The territory composing this county was to be taken from Adams County (*Laws of Illinois*, 1847, 38-41).

required to pay interest will stand as heretofore at \$9,000,000, embracing all Canal Bonds whether issued before or during the year 1847, and all other State Bonds embracing all the Old Bonds; as well as new principal "Stock Bonds," which are entitled to interest, (Macalister & Stebbins Bonds excepted)¹ The above regulations are intended to apply to the January payment of interest 1849—The interest will be applied upon the old Bonds as heretofore, and on the "New Stock Bond" it will be applied as due on the first payment January 1849—If coupons are presented for interest, the Bonds to which they belong having been surrendered up and "New Stock" issued therefor, you will not pay interest on them, but report such cases to me for consideration. For to pay interest in such cases might work injustice, inasmuch as the "New Stock Bond" will be entitled to its pro rata share of interest, irrespective of the detached coupon. This rule is intended to apply to every coupon where the Bond to which it rightfully belongs has been surrendered up, and the "New Stock" issued therefor. As there are some Coupons of July 1841 outstanding you will pay a pro rata amount on each of these where the Bond has not been surrendered in addition to the amount due on the Coupon of January 1842. Although this class of coupons ought rightfully to be taken up at once, still the Law will not allow me to do so, and I can only pay in addition and in like proportion with the coupon of Jan'y 1842. It was unknown to the Legislature at the time of the passage of the Law under which interest is at present paid, that these 1841 coupons were outstanding. You will continue to pay interest on the old Bonds, preserve vouchers &c as heretofore, but in regard to the "New Stock Bonds" on which interest is entitled to be paid, in addition to your proper voucher, you will in proper form preserve a regular account with each Bond, in regular form of debtor and creditor besides your usual stamp of the amount paid on each Bond, Proper Books must be provided from time to time as they may be needed to carry out this direction in full—Mr. Wadsworth will keep you timely informed of the numbers of all old Bonds which may be or have been surrendered, and which you will find it absolutely necessary to have at all times before you to carry out the foregoing directions; I have very carefully considered the application of those who desire to receive interest on their Bonds in the absence of the Bonds [or] in the absence of the Bonds or Coupons, and shall give no directions to you in the matter, under the peculiar circumstances in

¹ For a history of the Macalister & Stebbins bonds see *ante*, 106, n. 3.

which the State debt is placed, great caution is required in its management and the payment of interest. If the rule is declared in one case it must be in others, therefore you will adopt your own course to correspond with all these considerations. If I have omitted anything which may seem to you necessary to be further informed of, you will let me know and I will supply it. Advise me of the receipt of this.

I am, Very Respectfully, &c,

D Leavitt Esq
N. Y.

SPRINGFIELD, Jany 6th 1848

SIR: Your letter of the inst. has just been received I had intended to write you on the day preceding the receipt of yours, but was hindered by other engagements. 'Tis true, as you suppose, That I regarded your defense as indicating a tone of unnecessary bitterness, which seemed to have had its origin mainly in matters, whether real or imaginary, previous to any attempt on the part of Col. Oakley and yourself to act in harmony. It could hardly escape the observation of any one, that your approaches towards each other at first, were of a character utterly hostile to the least expectation that you could cooperate in the discharge of your several duties. It was this which I spoke of to Mr. Parks.¹ However, my opinion upon any thing relating merely to the personal controversy between you, would be entitled to no weight, or at any rate, to no more importance than the opinion of any disinterested or impartial observer. It is with the matter laid before me with which only I feel any concern, that which is of a character that requires me to act upon it. As you suppose, there has already been submitted to me charges against you, together with a mass of affidavits and letters, designed to prove them, and the reason why I have not informed you of this before, is owing to the fact that I have not yet had time to complete an abstract of it, owing to the press of other business which could not be delayed. Besides I have been considering the proper course of proceeding by which every

¹ Gavion D. A. Parks: born September 17, 1817, at Bristol, Ontario County, New York; 1838, removed to New York City where he completed his legal studies and was admitted to the bar; 1842, removed to Lockport, Illinois; served as engineer on Illinois and Michigan Canal; 1849, elected county judge of Will County and removed to Joliet; 1856, served on Republican State Central Committee; 1857-61, state senator; 1864, commissioner of state penitentiary; 1872, joined Liberal Republican movement and became unsuccessful candidate for Congress; afterward identified himself with Democrats; Mr. Parks was a lawyer of some note, being attorney for the Chicago & Rock Island, the Michigan Central, and the Chicago & Alton railroads; died December 28, 1895 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

party concerned can obtain strict justice. The following seems to me to be preferable, if after an examination of the testimony I may feel called upon to proceed further—Say, appoint some impartial, disinterested man, a commissioner to take the papers submitted to me, go on the line of the canal and there receive such evidence as you may wish to take to rebut the charges made. The same to be taken at such time and place as may be necessary, provided that the business of the Commissioner be brought within as narrow limits for time to save expense as is consistent with the object in view. Subject to the above contingency will you return me an answer at your earliest convenience.

Respectfully Yours

AUG. C. FRENCH

Wm Gooding Esq.

SPRINGFIELD, Jany 14, 1848

DR SIR: I have this moment received your letter of the 29th ult. and from its importance in many particulars, forthwith return you an answer. You state that from want of some additional instructions to what you have before received, you shall defer paying out money until you hear from me. This course is very much regretted by me, as I can see no sufficient reason in your letter, for delaying the payment of all interest a full month at least. Neither can I detect any, after a careful examination of my letter of instructions from any expression in it or reasonable inference from it. Certainly it is not found in the fact that it may take a moment longer to run the eye over the registered surrendered Bonds, than it would were it unnecessary to consult them. I cannot appreciate the increased difficulty you so much dread, when presented in a proper form, by a few hours labor, and which will afterwards require neither change or alteration. There seems to be no great doubt or difficulty in ascertaining the gross amount I desire interest to be paid on. It is true that the sum of \$9,000,000 was set down in the instructions, but with express reference to the original gross amount previously furnished you, and to which this latter sum was intended as only indicative. I expressly desire that the gross sum originally sent you, shall be the amount taken, until you are otherwise expressly ordered. I find that "1849" was improperly inserted instead of "1848," in my letter. No doubt or confusion could spring out of this, for from the whole current of the letter, no doubt could arise in regard to it—consequently interest on the "New Stock Bonds" will be paid as of Jany. 1848.

I can add nothing more to my instructions in reference to the unpaid Coupons of July 1841. The amount out is very small. Of coupons outstanding of a prior date to which you refer, I know nothing, except what I gather from your letter. I will have an examination of the record made here in regard to them, the result of which you will be informed of. In my last letter addressed you subsequent to my instructions, I suggested the propriety of continuing the payment of this present January interest upon the Coupons of 1842, as heretofore, but a little reflection has satisfied me that the suggestion of yourself and Mr. Wadsworth is correct. Therefore as you have paid nothing yet, you will make the payments correspond on the "old and New Bonds"—paying interest accrued the six months immediately preceding the 1st day of January 1848, thereby preserving exact uniformity between all concerned. In regard to your 5th interrogatory, about which you seem to have great doubts, I will simply say this. In my letter of instructions I find the following, "I have carefully considered the *applications* of those who desire to receive interest on their *Bonds* in the absence of the *Bond*" (no coupons of course) "or Coupons" (that is, in the absence of Coupons for which I had received special application) "and shall give no directions &c." I am at a loss to see how you could suppose I intended to change your practice of payment on coupons, presented on which you could impress the required stamp. This was inserted to make a special case. Surely none would apply to have done what you had invariably been in the habit of doing. You will recollect the application made to you, and by you referred to me while in New York, where the parties were desirous of obtaining interest upon Bonds having no coupons, without presenting the Bonds to you. An application was made to me of like character in regard to Coupons. It was these instances to which that portion of my instructions were directed. I wish the amount paid, legibly stamped upon each Bond.

I cannot but repeat, that I regard the reason of your omission to pay interest the very day it was due, as it appears in your letter, as altogether insufficient, when so much depended upon the promptness with which it should have been done.

I am very Respectfully

Yours &c

AUG C. FRENCH

D Leavitt Esq
N. Y.

SPRINGFIELD Jany 24th 1848

DR SIR: I have just received your last letter and agreeably to your request forward you an immediate answer.

To do justice to you, and afford you an opportunity to be heard in defence of the charges made against you, by the State Trustee, I propose to send a Commissioner on the line of the Canal before whom you can have taken such testimony as you may regard relevant to the charges made. I have thought of Judge Caton, who I believe is a very fair and candid man for this business, altho' I do not know that he will consent to act. I propose this, to place in the hands of the Commissioner appointed, the charges made against you or such as may seem of any importance, together with the testimony laid before me to support them. These will be open to your examination at all times. An opportunity will then be offered you to call in those who have testified for cross-examination, or to introduce testimony to impeach them, or any other testimony pertinent to the charges. I do not suppose the State Trustee will be present, he informs me he shall not. Will you let me know how soon you will be ready to attend to this, the places where you wish to take testimony. I am anxious to have this matter over as soon as possible, and be rid of the very great annoyance. If Judge Caton will not act I will try and select some other impartial man.

I am, &c

W^m Gooding.

(Confidential)

SPRINGFIELD Jany 28, 1848

MY DR. SIR: Your letter of Nov. 13th was received in due time and would have received an earlier notice, but I wished first to learn the result of the proceedings of the Canal Board of Trustees, under the Instructions of the New York meeting, which proceedings did not reach me in authentic form, until within the last four days. Your letter of the 8th inst. enclosed with copies of a correspondence with Mr. Ward & Co. reached me yesterday. Without having time since their receipt, to examine them with the care necessary to form a proper estimate of their subject matter, I shall delay what I have to say specially in regard to them for a future occasion. The proceedings of a majority of the Board have only been calculated to render things worse than before, and I have no doubt for all concerned, it would have been far better, to

have allowed everything to remain as it was then to do no more than was done, or to do it in such a manner. You can easily conceive of the delicacy of the position I occupy as the Executive of the State. The law under which the present state of things is going forward, as you are aware, has completely stripped the State Authorities of the power to interpose by any active agency in the matter, except in one solitary exception, the power to remove the Chief Engineer in the last resort, and this too under special reservations. While on the one hand then, the Executive can do nothing more than simply to counsel or advise, the People are urging a vigorous prosecution of the work and would hardly tolerate any course which in its results would have a tendency to retard its most vigorous prosecution. This work has long been before the People, a Bug bear to say the least, and requiring constant outlay and no income. Being next to powerless in the matter, and in view of this earnest desire of the People that it be completed as the only prospect of a cessation of some of the evils of long continuance, connected with that work, as I before remarked, render my position one of a singularly delicate character. The whole power is placed in the hands of the Trustees, and can only be reached by those who appointed them.

With a view of doing all I could towards bringing about a remedy for the abuses which have been practiced, I wrote directly to the Bondholders in London, Messrs Baring & Brothers, and Magniac, Jardine & Co. enclosing the stringent letter addressed to me by almost every member of the General Assembly of this State. In answer I was referred to Mr. Ward of Boston, and there it ends. In repeated conversations with the nonresident Trustees I have repeated the complaints of the people of this state and urged upon them the propriety of removing the causes for them, and you are familiar with the results. I have lately thought the matter over with a great deal of care, and am not by any means satisfied what I ought to do next, or what course even remains open to be pursued under all the circumstances, or even whether the State by its constituted authorities, under the Law, can efficiently interpose to put matters right. These are the questions which suggest themselves to me, and about which I confess I have very many doubts—Admitting that the State is liable under the Loan Law to pay 6 per cent. interest on the money from the time it comes into the hands of Leavitt, the Treasurer of the Board, can the State under the Law, interpose during its disbursement to compel an account of the profits

while in a kind of transitu. Can it be done under or independent of the Statute? Again, have the Trustees as such any power to bind the State against claim hereafter, for any rate of interest or profit they may choose to appoint? To whom are the[y as] Trustees, or as Treasurer, bound to answer finally to the State or Bondholders. If to the former can she move until the time shall arrive for rendering the account? From the nature of the contract under the Law, does it not follow that the manner of the disbursement &c. can only come before the State on the final rendering of the entire account? Many take this view of it, which if correct would seem to suggest the propriety of the Bondholders to look carefully into the matter. That there is some process by which things may be put right I have no doubt, but whether it devolves upon the authorities of the State, or Bondholders is with me a matter of some doubt. I will turn my attention to the matter forthwith, and soon write you again.

You will excuse the very obvious haste of this, and believe me

Yours Truly

A. C. FRENCH

Silas Wood Esq
N. Y.

There will be a change made in the interest paying Agency in New York before long.

SPRINGFIELD Jany 28, 1848

SIR: I have just received your letter of the 17th inst. My late letter in which I attempted to remove some of the difficulties you found in my previous letter of instructions, will save the necessity of answering minutely the whole contents of this. It is common I believe to trust somewhat to the advice of a financial agent of a State, as it is often absolutely necessary to rely with some share of confidence upon information which he gives, and that he will reasonably furnish such, and which could hardly be derived from any other source. I have most unhesitatingly relied upon your furnishing me with all the necessary information not only so far as regards what has been done, but also what ought to be done to promote as far as practicable in this particular, the interests of the State. You now ask me to give you specific directions in reference to the amount you shall forward to England to meet the proportionate share of interest there, and the time when it shall be forwarded

to Messrs. Magniac, Jardine & Co., and this too after you have made, or should have made, not less than three remittances, for a like purpose, to them. If you had previously informed me of the amounts you had severally remitted to them, with their advices to you in full on the subject, with such other relevant information as they may have furnished, I could be prepared to give you an answer, with this item of additional information, of how many Sterling Bonds Mr. Wadsworth may have taken in. This question of yours leaves me utterly at a loss to know by what you have been governed in making your remittances heretofore. While I was in New York, in September, I conversed with you some time with special reference to these remittances and you suggested none of these difficulties then, but gave me reasons why the July instalment had not been forwarded previous to last October. If those remittances have actually been made under no definite knowledge of the matter, it is time I should make some inquiry about it. Which I shall proceed to do. As regards the propriety of stamping the amount paid upon the New Stock, I spoke to you about it in particular and suggested the very difficulty you mention, but you thought it would be proper that it be done. I entered it immediately in my Memorandum Book, from which I transcribed it into my instructions. If it is impracticable, adopt your suggestions, take the "usual receipt." You must be aware that I can have but little acquaintance with the minutia of such business, and the details I had supposed could be safely left with a man to whom they were familiar, as they certainly must be to you. I will here repeat in brief the substance of my Instructions in reference to the aggregate amount of Bonds upon which you are instructed to pay interest. I am fully satisfied after the most careful investigation that the amount heretofore furnished you and upon which you have acted in your payments, will fully cover the gross amount of what will be presented. If I am mistaken in this, sufficient will be forwarded, and in the meantime I will learn something more definite in regard to the matter. You may also pay interest on this sum, reckoning the amount of money to be paid by way of interest at \$50,000, unless you have commenced as of \$55,000—if so, go on as you have commenced. You wish to know how much you are to pay on "each old and New Bond." This can easily be made out from the last paragraphs.

You say you will be required to employ a clerk which you think I ought to pay. I am unwilling to agree to this because under all the cir-

cumstances, I think you will be very well paid until I come on in May when the matter will be definitely arranged—Advise me of this by return mail, and if necessary I can give you my reasons for the above opinion more at large.

I wish you to inform me in reference to the following, as soon as you can conveniently do so.

1. How much money has been transmitted to Magniac, Jardine & Co to pay interest.
2. The amount of each instalment remitted and the time when it was done.
3. Under whose appointment do they hold their agency, and what has been their compensation.
4. Have you received any vouchers for payments of interest made by them.
5. What amount of money unexpended, in your hands on the day each instalment became due, exclusive of what was transmitted expressly to meet such instalment.
6. That is, how much on hand on the 1st days of July & Jany. each year unclaimed under previous instalments.

It is necessary that I know the above at an early day that I may know how to proceed with the July interest without so much difficulty as has suddenly sprung up.

I have not yet received the vouchers which were to have been left with Mr. Wadsworth.

I am, very Respectfully

Yours &c.

AUG. C FRENCH

David Leavitt Esq^r
New York.

SPRINGFIELD Feby 5, 1848

SIR: Your letter of the 28th ult. in reply to a brief and hurried note of mine of an earlier date, is received. The purpose of that communication, as was obvious from the face of it, was to inform you of the charges made against you by the State Trustee of the Illinois and Michigan Canal, and the course I had thought proper to adopt, if you manifested a willingness to accede to it, in order to afford you a full and fair opportunity to meet them. Whether under all the circumstances surround-

ing the case, this course was strictly demanded of me is not now a question. From the character of the charges and the testimony submitted to sustain them, there can be no doubt that my duty required me to take notice of them. In thus throwing open to you the full privilege of availing yourself of all legitimate means for your defense, I was actuated by a desire to satisfy yourself and others that in this matter I cherished no design to do you injustice or in the least abridge your chances or means of defense. To leave no room for doubt or cavil hereafter, I will here again repeat the substance of the offer made you to enable you to meet the charges. I suggested the propriety of appointing some suitable person, whose duty it should be made to pass along the line of the Canal, and at such times and places as you might designate, take such testimony as might be regarded relevant and proper to your defense. The charges together with the testimony in their support were to be placed in his hands, subject at all times to your inspection. When the person so appointed had completed his duty of taking testimony, it was to be transmitted to me for consideration. I considered the course here pointed out as affording you the fullest opportunity of making defense, and if, as you seem to intimate, it should result in an *ex parte* examination on your part, surely you ought to be the last to complain if you are left to choose your testimony at your own discretion.

From any suggestion which I have here thrown out, you will not understand me as offering it by way of advice, or as indicatory in the least, that I have prejudged the testimony of either party, or as an intimation of what will be my final action in the matter, but as simply informing you of the existence of the charges, of what they consist, and allowing you a fair chance to meet them, if you wish to accept of it. But if you prefer to rest your defense entirely on the affidavits you have sent me, it is for you alone to determine. You are undoubtedly at full liberty to accept or refuse the opportunity tendered you, as to you may seem most expedient. For myself I have but a single purpose to answer in the whole affair, and that is to do both the State and yourself strict justice. Whatever may be the personal relations between yourself and the State Trustee, or whatever may have contributed to produce the present state of feeling between you, of which you speak with considerable asperity,—my duty is plain, I have no concern with it. Whether the blame rests with one, or both, or neither, is what, under the present circumstances, I am not called upon to decide. The charges against

you have been made by a State Officer in the discharge of his duty to the State. The testimony submitted to sustain them is embraced in about thirty letters and affidavits from different individuals. The charges are clear, distinct and unequivocal. The affidavits and letters recite facts and circumstances which if exaggerated or untrue, can be easily met and refuted. These standing alone and unanswered make out, to say the very least, a *prima facie* case against you, and in the absence of defense or explanation ought to be taken as correct. It is in this light I feel myself fully justified in viewing the matter, and against which I informed you a defense of some kind was necessary. You refer me to written testimony which you have forwarded and which reached me on the 29th and is now before me. If you design to rest on what has already been transmitted to me for your defense, you will please so signify it at as early a day as practicable. I inclose herewith a copy of the charges mentioned herein and referred to in a previous letter (although not requested by you) The testimony forwarded to sustain them is in my office and at all times open to the inspection of any who may take sufficient interest in it, to do so.

Will you favor me with an answer to this by return mail, of whether you accept the proposition herein or not.

I am very Respectfully Yours

AUG C. FRENCH

W^m. Gooding
Lockport
Ill.

EXECUTIVE DEPARTMENT

STATE OF ILLINOIS, Feby 11, 1848

MESSRS.

I am informed by my Predecessor that you are the Agents entrusted with the payment of interest on Illinois Bonds holden in Europe. The proportion of money applicable to this purpose I am advised by the State Interest paying Agent in New York has been regularly forwarded to you for the above purpose.

Although several payments have been made no vouchers for payments of interest in Europe has yet reached me. Will you be pleased to forward them or inform me where I can receive them. There is some fur-

ther information in reference to the matter of which I would be pleased to be placed in possession, viz:—

The charges incident to the Agency.

The number of remittances made you by Mr. Leavitt, with the time when made, and the amount of each severally.

The surplus, if any on hand at the time each instalment is due together with the aggregate amount of Bonds presented for payment of interest.

It will be recollected that the Legislature of this State at its last sitting made provision for an exchange of securities &c, of which I sent you a notice some time since. This provision I feel sure, if complied with, will in the end result to the great advantage of the Bondholders. The American holders generally, cheerfully accept under it, and have mostly made the exchange. The European Bonds come in more slowly. Will you inform me if any further explanation is necessary to give the European holders of Bonds correct information of the object of the Law &c. Any communication from you designed for this Department will reach me through Thomas W. Ward Esq- of Boston, Massachusetts, to whom they can be addressed to be forwarded to me.

With sentiments of regard

I am very Respectfully Yours

AUG C. FRENCH

Messrs. Magniac, Jardine & Co.

London

England.

EXECUTIVE DEPARTMENT

STATE OF ILLINOIS, Feby. 11, 1848

SIR: Your letter per Steamer Cambria, dated Dec. 31, enclosing your demand on the State of Illinois, together with a copy of the special agreement entered into with Mr. Ryan, the Agent of the State, has been received. This is the first time I have had my attention called to the particular nature of this account.¹

¹ To get possession of a large amount of bonds held by Morrison & Sons of London, Messrs. Oakley and Ryan borrowed \$4,263 of George Peabody, giving him as security bond having a face value of \$12,000. At this time Mr. Peabody threatened to sell the bonds held by him. The claim was presented to the legislature in 1849 (first session), but rejected by the House. During the second session of the same year, \$5,500 was appropriated to pay the claim (*Senate Journal*, 1849 [first session], 139; *House Journal* 1849 [first session], 405; *Laws of Illinois*, 1849 [second session], 5).

I suppose it to have been within the full knowledge of my predecessor, whose duty it was to have invited the attention of the Legislature directly to it, but from some cause was omitted.

I have little hesitation in saying, that had this account been presented in its true light to the Legislature, provision would have been made to meet it at once. As the matter now stands, I have no authority to divert any of the avails of the Treasury which have been specifically appropriated to other purposes, and apply them in satisfaction of your demand, which I should willingly do if I had the power. All that is left for me to do in the premises is to assure you that when the Legislature meets in December ensuing, I will bring the subject specially before it, when I doubt not ample provision would be made to satisfy your claim and take in the collateral security. If this would satisfy you I should feel gratified, as it would be with regret I should see the interest of the State injured under the circumstances.

With sentiments of regard, I am very

Respectfully Yours

AUGUSTUS C. FRENCH

Geo. Peabody Esq- London, Eng.

SPRINGFIELD Feby 14, 1848

DR. SIR: I this day enclose and send you the charges made by Col. Oakley against Mr. Gooding, together with the testimony taken to support them. I have written to Col. Oakley to inform me which of the affidavits forwarded to me he wished kept back from examination but have received no answer. I shall address him again today on the same subject and request him to inform you in regard to it. As I informed you in my note of Saturday, I suppose Mr. Gooding will desire to commence his examination at Chicago, and I have requested him to inform you when he is ready. You can write him of the receipt of the papers I send you, and also let me hear of your receipt of them. I shall inform the Col. of the proposed examination, and you can inform him of the day you will commence, that he may take part in it if he pleases. To avoid any trouble and delay I think it best for you to conduct the investigation, allowing the latitude of examination necessary to elicit the truth or what may be relevant to the charges or matter growing out of them.

You will hear testimony from either party, and cross examine with a view to the truth, this is what I am after.

I do not think of any thing more which might be of importance to you, as much must necessarily be left to your own judgment and discretion in conducting the investigation.

Truly Yours

AUG. C. FRENCH

Hon. J. D. Caton,¹
Ottawa.

SPRINGFIELD Feby 14, 1848

DR. SIR: I have appointed Judge Caton of Ottawa, to pass along the line of the Canal and take such testimony as either yourself or Mr. Gooding may desire, relevant to the charges submitted to me against him. Of the time of commencing, Judge Caton I suppose will inform you. It is probable he will visit Chicago first for this purpose. I have deposited in the hands of Judge Caton all the testimony forwarded to me to support the charges. This will be taken as *prima facie* correct, and Mr. Gooding must meet it. I requested you by letter some time since to inform me what affidavits shall be kept back from public examination but have received no answer. You can inform Judge Caton which they are, and he will observe your directions. I hope if there is any further testimony to be produced it may be taken before the Judge.

Truly Your Friend

AUG C. FRENCH

Col. Chas. Oakley
Chicago.

SPRINGFIELD Feby 16th 1848

SIR: I have selected Judge Caton of Ottawa, before whom you can make such testimony as you may desire for your defense. The charges and papers relating to them will be placed in his hands as intimated in my

¹ John Dean Caton: born March 19, 1812, in Monroe County, New York; childhood spent in poverty and hard labor; studied law in an academy in Utica; 1833, removed to Chicago; about 1834, licensed to practice law by Judge S. T. Logan; 1834, elected justice of the peace; 1837-38, served as alderman; August 9, 1842-March 6, 1843, judge of the Supreme Court of Illinois; May 2, 1843-January 9, 1864, same position; lived for a time at Ottawa; interested in building telegraph lines in the West; spent latter part of his life in travel and writing; among his published works are: *The Antelope and Deer of America*; *A Summer in Norway*; *Miscellanies*; *Early Bench and Bar of Illinois*; died at Chicago, July 30, 1895 (*Blue Book of Illinois*, 1909; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

last letter. You can inform him at what time you will be ready to commence the examination, and the place where you wish him to be first, for this purpose.

With you, I am anxious that the matter shall be gone through with at the very earliest day practicable. From the charges you will readily detect those to which your attention has not been directed and upon which the testimony transmitted to me has little bearing.

I am highly pleased at the frequent assurances I receive that the Canal will certainly be opened so as to enable the State to derive all the advantages of a full spring navigation. With me, this important result outweighs every other consideration.

As I remarked above, the time and place of examination can be arranged between Judge Caton and yourself, and should be done as soon as convenient, so as not to allow the Canal interest to suffer.

I am very Respectfully Yours

A. C. FRENCH

To William Gooding Esq^r
Lockport, Ill.

SPRINGFIELD Feby 18, 1848

DR SIR: In my letter of the 28th ult. I requested you to forward me such information of the state of the affairs of the State of Illinois in your hands as might enable me to answer your inquiries, and thereby avoid all possibility of collision of opinion between us hereafter. I am now anxiously awaiting your answer to this request, with the desired information, which may be received here before this reaches you. I am free to confess that your withholding from me for so long a time, after it ought to have been forwarded, the information which I am now desirous of obtaining, has impressed me strongly with its singularity. I very much doubt if there can be found another instance of the financial Agent of a State, in the United States, who has omitted to render an account of its affairs in his hands, in a detailed form, for the space of two years. There is every reason why it was not only proper but essentially necessary that you should render an account of the condition of the affairs of the State, intrusted to you, at the very farthest, at the end of each year, and more properly semi annually—on the 1st days of January & July. This would have enabled me to give you at all times, such

directions as might become proper in conducting the affairs of the state in this particular. I expressly called your attention to this fact when your accounts were to be audited last season, and stated that I wished your full account, and I felt a little chagrined when I received the return and found only the most insignificant portion of it rendered. While I could not account for the seeming indifference manifested by you to comply fully with my request, without giving rise to misgivings which I was anxious to avoid—I again hinted at the matter when I saw you in September, and received assurance that all the vouchers for money disbursed by you would speedily be forwarded or left with Mr. Wadsworth, who would forward them for you. None of them have come to hand as yet, although I have specially called your attention to the subject in previous letters. With matters in this condition, you may well judge of my astonishment, when by taking seeming advantage of your own neglect in not furnishing me with proper information, you called for instruction where you had not seen it necessary to invite it before—and for what?—Simply, to be informed how much you must remit to Magniac, Jardine & Co., after having made three remittances without discovering any necessity for special instructions in the case. I could not see the importance of this, when the only reason on which it rested, was a simple suggestion of mine that less might be wanted in Europe to pay interest if Bonds from that side of the water were surrendered, which fact could be at once ascertained from the schedule furnished you by Mr. Wadsworth and lying immediately before you. Will you inform me what you have been governed by heretofore in making your remittances to those Gentlemen? I will be the better able to judge of the whole when I receive the information desired in my former letter. I am satisfied from a careful inspection of the materials for judging now in my possession, that the gross amount of Bonds heretofore presented for interest has in no instance exceeded \$8,000,000. What has become of the surplus left in your hands and not needed, and which must have been continually augmenting from the earliest instalment paid until now, for I never observe it embraced in the proper dividend. That you should never hint this fact while discharging a confidential trust, would naturally strike any person as somewhat strange, especially after the payment of two instalments at least. You will bring every cent of the surplus on hand into this present January payment, and if there is not sufficient to meet the Bonds presented under the dividend made by you, by letting

me know at an early day the probable result, funds will be provided at once to meet the deficiency. I wish you then to forward me, if you have not already complied with my wishes expressed in the letter above referred to, at your very earliest convenience, the amount of money you have received,—the amount paid on each instalment, with the surplus left in your hands each time, up to Jany. 1848, together with the several amounts remitted to Magniac, Jardine & Co. and the time when so remitted, up to same date:—the aggregate number of Bonds paid upon for each instalment, severally, up to the same time. In feeling myself called upon to invite your earliest attention to these matters I am not to be understood as doubting the confidence I have placed in you, but as absolutely necessary for me, to enable me to act understandingly hereafter in this matter, of so much interest to the State, and responsibility on my own account.

I am very respectfully Yours,

David Leavitt Esq^r
New York.

SPRINGFIELD Feby. 19, 1848

MY DEAR SIR: I have received the accounts forwarded by you against the State. I informed you that it was absolutely necessary to consult the greatest economy in this affair of Funding. I expected that it would hardly be necessary after I left to keep up continuous Clerk hire, and the few Bonds received justified my former opinion. But a small portion of the time would be required to do what business there was to be done. Unexplained, the clerk hire seems very large. From the first of January 1848, until we can have time, say six or eight months, to test the amount of labor required, I am willing to allow you \$1200, to cover all expenses of funding and Transfer, except incidentals, that is, Stationery, forms &c. After which time we can learn the time required, and can fix upon a fair compensation. I feel fully satisfied that both branches of labor will not take up near all the time of any thing like a ready clerk. This I learned from the average sales of Illinois Stock. The sales have been, and for good reasons will be few, as time will prove.

I shall make arrangements soon to appoint a new Interest paying Agent. This Agency must pay for itself. Mr. Leavitt informed me about the first of December last, that he should charge me nothing for

what he had done; the use of the money being an adequate compensation. Tis true lately he spoke of a Clerk, which I refused at once to pay, and he said nothing more about it. I know the use of the money will bring any one in more than \$2000 per year, as you can satisfy yourself, when the standing surplus will nearly cover \$13,000, besides the amount of \$130,000 per year, mainly running through severally a quarter's disbursement. I have three offers from good men to the same effect, but I prefer you. If you are willing to take it on these terms, let me know. All that will be necessary in addition to your own security will be the assurance of the liability of the Bank in which the money is deposited.

Write me by return mail on this matter as I wish to be making my arrangements &c.

A. C. F.

J Wadsworth¹ Esq
N. Y.

SPRINGFIELD Feby. 21, 1848

MESSRS.

Mr. Trumbull informs me that from certain information you have of the affairs of Mr. Sherwood, you think it possible a part or the whole of the claim of the State of Illinois against him may be made, and that you would be willing to undertake its collection, bear all the expense attending it, without charge or liability to the State, for such portion of the amount you may succeed in collecting as may be agreed upon between us. I have regarded this claim as hopelessly lost, and at no time would be willing to risk any charge to the State from an effort to collect it. Nor would I now incur any expense in the attempt.

If you are willing to undertake its collection upon these conditions, that all the expense shall be borne by yourselves, I am willing to enter into such agreement as shall insure you an adequate compensation if you succeed in collecting the whole or part. This compensation I am willing to graduate according to the amount collected, say from 10 to 30 per cent. The amount due (I speak from memory only) must be nearly \$80,000. Mr. Trumbull also mentioned another claim against

¹ Julius Wadsworth, ten years a resident of Illinois, was the senior member of the firm of Wadsworth & Sheldon. This firm took over the duties formerly performed by David Leavitt.

Mr. Daniels. I do not recollect any thing in reference to it, but if it becomes necessary I will hunt it up. Will you please to let me hear from you in answer to this—

I am very respectfully Yours

A. C. FRENCH

Messrs. Peck¹ & McDougall²
Chicago, Ill.

SPRINGFIELD March 1, 1848

MESSRS.³

I have just received your letter of the 25th ult. in answer to mine of a previous date. As I remarked in my former letter I would not incur the least liability on the part of the State, for the reason that I considered the debt as hopelessly lost—

I will agree to give you 33 1/3 per cent. to the amount of \$20,000, thereafter 20 per cent, with the privilege of making such arrangements in regard to the matter as to you may seem best for all concerned—provided you furnish for file in this office a full and complete record of the court or other proceedings which may be had in the case or between

¹ Ebenezer Peck: born May 22, 1805, in Portland, Maine; received early education at Peacham, Vermont; removed with parents to Canada; 1826, married Miss Carolina Walker, at Peacham, Vermont; 1827, admitted to bar at Montreal, Canada; 1833, king's counsel for a district in Eastern Canada; member of the provincial parliament; 1835, removed to Chicago, Illinois; became interested in politics and joined Democratic party; 1835, delegate to first state convention of that party; December 14, 1835, licensed to practice law in Illinois; 1836, drafted first city charter for Chicago; 1837, chosen as member of commissioners of Internal Improvement System; 1838-40, state senator; 1839, appointed clerk of Internal Improvement Board; 1840-42, representative in General Assembly; 1841-45, clerk of the Supreme Court of Illinois; 1846, formed partnership with Mr. McDougall; 1850, interested in a democratic newspaper, the *Argus*; 1854, helped form the Republican party; 1849-63, reporter of the Supreme Court of Illinois; 1859-61, representative in the General Assembly; 1863-75, judge of United States Court of Claims; Mr. Peck was a close friend of President Lincoln; died May 25, 1881 (Palmer, *Bench and Bar of Illinois*; *Blue Book of Illinois*, 1905; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

² James Alexander McDougall: born November 19, 1817, in Bethlehem, Albany County, New York; educated at Albany grammar school; studied law; 1837, removed to Pike County, Illinois; 1843-47, attorney-general of Illinois; 1849, organized and led an expedition in search of gold; about 1850, settled in San Francisco; 1850, elected attorney-general of California; elected several times to the legislature of California; 1852-54, democratic member of Congress; 1861-67, United States senator from California; Mr. McDougall was a zealous war Democrat; 1867, removed to Albany, New York, where he died September 3, 1867 (Palmer, *Bench and Bar of Illinois*; Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

³ Probably Peck & McDougall, attorneys-at-law, Chicago, Ill.

the parties in interest. You are well acquainted with the delicacy of such proceedings and will readily appreciate this condition.

If you accept these terms you will inform me specifically what you may desire forwarded to you to aid you in carrying out the object, that it may be at once attended to.

I am very respectfully Yours

AUG. C. FRENCH

SPRINGFIELD, March 12, 1848

DR. SIR: From what you say in a late letter, I suppose you have notified Messrs. Magniac Jardine & Co. that you are awaiting instructions from me to govern you in regard to the remittances to be made to them to meet the January interest '48, and that you are awaiting such instructions. The only means within my reach of determining the precise amount which ought to be forwarded to them, is the amount they required to meet the July interest, 1847. This you stated to be £4000, without hinting whether in their experience thus far in the business, it would be sufficient to meet all the Bonds presented to the full amount of the Dividend or not. If you have no other means of judging, you will forward this amount to them, abating only the difference between the dividends of July 1847 and January 1848. If you have any better means of ascertaining the amount, as the number of Bonds on which interest has been demanded within the six months immediately succeeding the commencement of the payment of such instalment, or vouchers covering the same time, for interest paid, it may furnish as safe or perhaps safer criterion than the former. My own impression is that without more specific information it would be advisable to regard the request made by them, with only the deduction specified above. I refer here to the full amount which was at any time forwarded to meet the July interest 1848.

The amount whatever it shall prove to be under the above contingency, ought to be forwarded at an early day.

I am very respectfully Yours

AUG C. FRENCH

D. Leavitt Esq^r
N. York.

SPRINGFIELD March 21, 1848

DR SIR: I learn from your letter of the 7th inst. that you seem to suppose, that the various overplusses which have been found remaining on hand at stated intervals, ought still to be allowed to remain unapplied, except upon those Bonds which may not yet have been presented for their proper interest. You also regard my order making some more ready disposition of these sums accumulated six months prior to the regular days when the instalments should be paid, as calculated to enforce hard dealing towards those holders who have been too remiss to present their bonds within the prescribed time. From the consideration I have given to your suggestions in respect to this subject, and it has not been slight, I apprehend that the injustice which you suppose to follow, will in the end be found to be rather apparent than real. From any thing discernable [*sic*] upon the face of the agreement, or to be inferred from the current nature of such transactions, it is not perceived that the State is under any moral obligation to keep a large disproportionate and standing fund for an unlimited term, to await the carelessness or neglect of the holder. Such I believe was never the practice of the U. States Government in conducting affairs of a similar character. The time when the money is due is indicated by the security itself, and if the State fail to perform her part in good faith, she is at fault, and it would seem to follow from the true spirit of the transaction, and appear reciprocally just, that the holder should come forward, within a limited and reasonable time, to receive his money. If he refuses to do so, there is just as little propriety as justice, it appears to me, in requiring the amount to remain useless and unproductive to the State, when caused by his neglect only. I am unable to appreciate any just cause of complaint, which the holder, under these circumstances, could reasonably entertain. Even if the view of it which you take would have been correct under the circumstances in which the form of indebtedness originally stood, it would hardly be so now, since by far the larger portion of the securities on which you regard these sums as justly due, have already been surrendered up, and new ones substituted, the interest on which becomes due January 1848. This may be regarded as true of the greater portion to which your suggestion can properly apply. So that leaving things to remain as they are, it will at once appear that there will be a large amount which never can be called for. Judging from the gross amount of surplus on hand, and which has been augmenting ever since

the payment of the first instalment until now, there does not appear to me the feeblest grounds of apprehension but what the positive surplus always remaining in hand for the six months previous to the date of the regular instalment will be fully adequate to meet the demand of any stray Bonds which may casually find their way to you for payment. At any rate I can discover no sufficient reason to change the order heretofore given in respect to the application of this surplus, by applying all on hand except that arising out of the immediately previous dividend, as above stated, leaving to experience hereafter to settle the proper course to be pursued in reference to the few Bonds which are not or will not soon be surrendered.

I am very respectfully Yours &c

D. Leavitt Esq—
N. York.

EXECUTIVE DEPARTMENT, ILLINOIS

SPRINGFIELD, April 9, 1848

DR. SIR: Enclosed herewith I return you, executed according to your request, the two debentures which escaped my notice at the time I signed the large number, of which, these two must have formed a part.

I have also noted and considered, the suggestion of the Messrs. Baring, embraced by way of extract in yours, from a late letter received by you from them. In our desire to accomplish the object of exchanging one class of Bonds and securities, for another and preferable class, economy was kept steadily in view. No provision was inserted in the law nor appropriation made to meet expenses of an agency in Europe, of the kind seemingly contemplated by the extract referred to. The obvious distinction between Indiana and this State, in the character in which they approach their creditors, and the objects to be accomplished by each, might render it highly important that the former should have a special agent in Europe to effect negotiations and explain the terms of her Law, while none might be needed to forward the purposes of this State. Unlike the course of Indiana, we approach our Creditors with a resolute determination to meet our entire indebtedness, requiring of them not the sacrifice of one farthing, but simply to fall in with our measure of Exchange to aid us in our efforts to *ascertain* the amount of our Internal Improvement debt, which, for nameless reasons, is now somewhat clouded with uncertainty, to enable us to rid the market of a mass

of securities of various denominations, and substitute therefor uniform transferable stock, by which we could be prepared to place before the People of the State and the world, the true condition of our affairs.

The manner in which the State sought to accomplish the object through the courtesy of her creditors, is easily to be inferred from the Law itself, and the reasons for it, were briefly referred to in my circular which attended the Law sent to Europe, and by letters addressed subsequent thereto. There is nothing compulsory in either, nor any thing ambiguous connected with the matter. The actual advantages which it was supposed would result to the Creditors from the Exchange contemplated, with the permission to invest the deferred interest Bonds in our State Lands, is already more than realized, by the increased value of the New Principal and Interest Bonds over the old Bonds in their original shape. The advantage being not less than 15 per cent. in favor of the former. Besides this positive benefit to the creditor, their compliance with the law would be exceedingly gratifying; and having ascertained the exact condition of our State affairs, the People would advance more cheerfully to grapple with them. The readiness with which the Bondholders in the U. States have come forward and made the Exchange, showing that the principal portion in this country has already been exchanged, has led us to hope that in a short time the true state of our affairs, an object so much desired by the People, can be made apparent; and further than this it has exercised an immense influence in producing a large majority in favor of the Constitutional Provision for the Levy of a Two Mill Tax. This has been carried and now makes a part of our Constitution. This alone, which at first will raise \$200,000, and with the mill and one half already provided for, will enable us to set out in 1849, with \$350,000, or nearly so. To this may be added a yearly increase of 9 per cent., which is less than the average for the past ten years, from actual increase in the amount of taxable property in the State, without changing in the least the existing rate of taxation. So it will be seen that it cannot be but a few years, aided by the revenue from the Illinois & Michigan Canal, before we shall be prepared to meet the yearly interest on our public debt, if the measure herein referred to, be carried out by our creditors. If there were present provision made, and I could suppose that an Agent would answer any useful purpose, either to the creditors or the State, I should not hesitate to appoint one. But I know of nothing he could say or do, which could present the whole

matter more intelligibly or clearly to the European Bond holder, than has already been done, and I sincerely regret that the plan still remains unsatisfactory to them or most of them, (some having surrendered,) when it was so readily accepted by almost all on this side of the Atlantic.

If by an agent is meant no more than the appointment of some one to receive the Bonds and attend to their regular and safe transmission to N. York for Exchange, I can easily make the requisite provision. It seems to me that were the Bonds sent to you for the purpose, to whom the whole matter is familiar, it could be arranged to their satisfaction and that of all concerned. You will please intimate the foregoing to the Messrs. Baring, and assure them that I feel a deep interest in the matter, and will contribute whatever I can to carry out a measure so obviously fraught with resulting benefits to the parties concerned.

I am very Respectfully Yours

T W Ward Esq^r
Boston
Mass.

EXECUTIVE DEPARTMENT

SPRINGFIELD May 15, 1848

DR SIR: I have very recently had my attention called to the action of the St Louis Municipal authorities in their effort to improve their Harbor by which it is believed the interests of the People and the rights of the State of Illinois may be encroached upon.¹ This impression has been conveyed to me through various letters together with the resolutions of the common council of the City of Alton. No one can view with greater pride or pleasure the rapid progress of all our Western Cities and Towns than I do, but when it is sought to advance one by injuring another, it becomes the duty of those having the ultimate supervision to look to it and if proper to interfere. I have an indistinct

¹ The people of St. Louis had reasons to fear that the channel of the Mississippi River would shift east of Bloody Island, thus destroying the city's harbor. To prevent this, the St. Louis city council in 1848 appropriated money with which to build a stone wall from the lower end of the island to the Illinois shore. Influenced no doubt by commercial jealousy, Quincy and Alton urged the state authorities to prevent the completion of the work. Despite an injunction, the work was carried on through the efforts of the Wiggin's Ferry Company. In 1849 the matter was brought before the Illinois legislature. The work was allowed to go on under certain restrictions and the result is the modern city of East St. Louis (Davidson and Stuvé, *History of Illinois, 1673-1884*, 558-61; *State Register*, July 7, 14, 1848; *St. Louis Republican*, July 6 1848).

impression than an injunction was obtained some time since to arrest the attempts of the People of Missouri to invade the rightful jurisdiction of the State of Illinois. I wish you to look it up and forward me a copy of the injunction, and if from its terms it covers the present attempt you will proceed as soon as practicable to cause notice to be given of its existence to all engaged in the present movement and cause the same to be respected. If there is none such you will take such steps as may be proper to preserve and protect the rights of this State against any further encroachment. Advise me of the present state of affairs and all necessary for me to be informed of in relation to the matter.

I am, &c

P. B. Fouke¹ Esq^r
Belleville.

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL. May 18, 1848

It has been represented to me that an attempt is now making by the Municipal Authorities to improve the Harbor of the City of St. Louis, by which the current of the Mississippi River will be diverted from its natural channel, that is the Eastern side of the River, and forced upon the Missouri or Western Side. It seems to be expected that this design is to be carried out by extending a wall or dam east of the middle of said River in the direction of the Illinois shore, which is under the control and rightful jurisdiction of the State of Illinois. It is also represented that if this plan be suffered to be carried out it will materially injure if not entirely destroy the present navigation near the eastern shore for the larger class of Boats greatly to the injury of the State. In view of what has already occurred with express reference to this same matter, it was scarcely expected that a similar measure would again be renewed. Gratified as I truly am at the rapid prosperity of the City of St. Louis yet it could hardly be expected that the Authorities of this State would quietly permit the contemplated encroachment upon its rights without

P. B. Fouke: born January 23, 1818, at Kaskaskia, Illinois; self-educated; studied civil engineering; 1841-42, associated in publication of *The Belleville Advocate*; read law; 1850, elected to lower house of General Assembly to fill vacancy; 1856, prosecuting attorney of St. Clair County; 1859-63, Democratic representative in Congress; August 28, 1861, mustered into Thirtieth Regiment Illinois Volunteer Infantry as colonel; April 22, 1862, resigned from army; appointed public administrator of New Orleans; took up prosecution of cotton claims against Mexico; removed to Washington, D.C.; died October 3, 1876, at Washington, and is buried in Congressional Cemetery (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905; *Adjutant-General's Reports*).

opposition. I feel assured that if the representations referred to above prove correct the proper authorities of your City will pause before urging forward a movement which can be viewed in no other light than a manifest encroachment upon the just rights of the State of Illinois, and which if persisted in will require me to employ some suitable means to arrest it.

Hoping that the design attributed to your City may prove unfounded I shall await such a representation of the true state of facts as you may see fit to address me.

I am very Respectfully Yours

AUG C. FRENCH

Mayor of St Louis¹

St Louis

Mo

PALESTINE, CRAWFORD Co. May 22/48

DR SIR: I have the honor to acknowledge the receipt of your letter dated the 9th inst covering a Preamble and Resolution of the City Council of Quincy, in regard to the contemplated action of the St. Louis City Municipal Authorities in their attempt to improve the harbor of that City. The letter was forwarded to me here, where I shall be detained a few days in arranging some private affairs, and then forthwith return to Springfield. My attention had previously been drawn to this contemplated movement on the part of the People of St. Louis, and such measures taken firstly by addressing the Mayor of the City, and secondly by taking such precautionary measures as it is hoped will secure the interest of the People against injury and the rightful Jurisdiction of the State from impertinent encroachment

I am &c

A. C. FRENCH

Clerk City of Quincy²

N. B. The above is not designed for publication but as simply an answer to your Letter &c.

¹ John M. Krum. For biographica sketch see *post*, 177, n.

² William H. Benneson (Bennison): born December 31, 1818, in Newark, Delaware; 1840, graduated from Delaware College; removed to Virginia where he studied law; admitted to bar; 1843, opened law office in Quincy, Illinois; during the forties was circuit clerk of Adams County; 1849, caught the gold fever and made the journey overland to California; September 1, 1862—September 2, 1863, colonel of Seventy-eighth Regiment Illinois Volunteer Infantry; postmaster at Quincy during administration of President Johnson; died January 27, 1899, at Quincy, Illinois (Miss Addie E. Benneson, Washington, D.C., private letter to editor; *Adjutant-General's Reports*).

SPRINGFIELD, June 15, 1848.

Messrs.

I have to inform you that the amount of money applicable to interest 1 July 1848, may be set down at \$60,000, and you may strike your Dividend accordingly. The July Dividends will always be somewhat larger than those of January, owing to the fact that more is collected in the preceding than in the succeeding six months. The amount on which you are now required to pay is about \$9,270,000. You will hereafter, until otherwise directed, pay upon \$9,700,000. I shall shortly forward you more Drafts in addition to that already sent for \$15,510.¹

I am, Very Respectfully, Yours

AUG C. FRENCH

The Books of Bonds are already forwarded by Express and will probably reach you before this.

Wadsworth & Sheldon, N. Y.

SPRINGFIELD June 15, 1848

SIR: Your Letter of the 25. ult. with the "statement" of the State Trustee of the Illinois & Mich. Canal, and the resolution or order of the Board thereon is received. I do not know that I fully understand the object the Board had in view in transmitting this portion of the record of their proceedings to me. The Law creating the Board and under which this action has been taken, allows the Governor no active agency in the matter, but leaves his opinion of the propriety or impropriety of the resolution referred to, like that of any other person entirely powerless to affect it one way or the other. While I have no right or authority to control or influence the action of the Board, I feel no reluctance in expressing my opinion in regard to any of its measures when that opinion is sought by the Board itself. I admit that from the first, I have never been able to discover any good or substantial reason why there should be any difference in the amount of salaries paid to the several members of the Board. I would not be understood here as intimating that I consider the salary of \$2500, now paid the State Trustee as insufficient, for I regard him as abundantly paid for his services, it being \$1000 more

¹ See *post*, 283.

than the salary of any State Officer.¹ Whatever may have been the reasons for allowing the sum of \$5,000, to the other members of the Board heretofore, (and certainly they have appeared to me as wholly unsatisfactory) they seem now to have lost their force since the completion of the canal, and I cannot but regard the further payment of this sum as exorbitant and unjust to the State.²

I am &c A. C. F.

Capt W. H. Swift
Washington City
D.C.

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL., June 15, 1848

Messrs

Through the agency of David Leavitt Esqr of New York, I have been favored with your Letter Dated Amsterdam March 7, 1848. In this letter you invite my attention to the propriety of appointing a special agent whose duty it should be to visit Europe and personally make the exchange of Bonds contemplated in the Law of this State and to which you refer. I could not readily gather from your letter whether you were aware that the Law referred to contemplated an exchange of the Internal Improvement Bonds and indebtedness, to the exclusion of the canal Bonds, or not. Such however is the fact. There appearing no strong reason for meddling with the Canal Debt, it is not embraced in the Law. It is the former class of Indebtedness only, which the State is desirous of withdrawing, and in its stead substitute one New uniform Transferable stock. Among the reasons which urged the State to the adoption of this course, were the difficulties uncertainties and embarrassments which surrounded this peculiar branch of our State Indebtedness. These were referred to more specifically and in detail in a circular which I caused to be printed with the Law and as far as practicable

¹ Salary of state officers, 1849:

Governor.....	\$1,500
Auditor.....	1,000
Treasurer.....	800
Secretary of State.....	800
Judges of Supreme Court.....	1,200
Circuit Court Judges.....	1,000

—*Laws of Illinois*, 1849, 28-29

² Davidson and Stuvé, *History of Illinois*, 1673-1884, 485, says that the foreign trustees each received \$2,500 annually.

placed in the hands of all foreign holders of this Stock. In that I sought to convey in a distinct and intelligible manner, the true object of the Law as well as some of the benefits the creditor would derive, by complying with its provisions. Unlike the instance of the State of Indiana to which you refer me, where a surrender of a large portion of her Bonds were required to be made before she would cheerfully struggle to pay the balance. This State approaches her creditors with the express determination to pay all her debts without asking them to sacrifice one farthing. It was confidently expected when the Law was passed, that the obvious advantage held out to the creditor by acceding to the terms of the Law would induce them to comply readily with its provisions, without making provision for an European agency, consequently no appropriation was made for this unpremeditated expense. It was believed that the exchange contemplated in the Law would add much to the aggregate market value of the Bond. This has been realized from 10 to 15 per cent. on the gross amount. The amount of this class of Indebtedness held in Europe is small and it was hoped the exchange could be effected through the Agents of the European holders, in New York. The American holders have generally come in, and the same is true of many of the English. This has encouraged me to believe that the larger portion will be surrendered previous to the expiration of the time limited by Law, within which the exchange can be made. Feeling a very deep interest in the success of the measure I shall most sincerely regret if any oversight on the part of this State shall have a tendency to defeat even in part the complete success of the measure. The readiness with which the American and English Bondholders came into the measure, of itself so gratifying to our People, has exerted a very salutary influence upon them in their late vote upon our Constitution, by which a permanent Tax is forever hereafter imposed of two mills on each dollar's worth of Taxable Property to be applied exclusively to our debt, in addition to that already specially appropriated to the same object. This added to the present Levy will, we confidently expect, place in the Treasury to be exclusively applied to the debt for 1849, \$350,000,¹ subject to a yearly increase of nine percent without increasing in the least, the present rate of Taxation. You will thus perceive that in a very

¹ In 1849 the total value of property in the state was \$105,432,752.13. At this time three and one-half mills on each dollar of valuation was being levied for purpose of paying interest. For detailed account of valuations and taxes see *Biennial Report of Auditor*, December 1, 1850

few years this State will be prepared to meet the entire interest on her debt, and this too without taking into consideration the available resources of the State derivable from the public Lands, the income from the Canal, now complete &c. I have greatly enlarged in my answer, upon my original intention, for which you will receive the subject of it, as a sufficient apology.

With sentiments of respect

I am very Respectfully Yours

AUG C. FRENCH

Messrs Hope & Co
Amsterdam.

EXECUTIVE DEPARTMENT

SPRINGFIELD July 18 1848

Your Letter of inst. is received, in which you take an occasion to inform me, that a committee has been appointed to meet and confer with me in regard to the matter in controversy between this State and the City of St. Louis, in relation to the improvement of its Harbor. Since its receipt however I have been informed by Letter from a gentleman who has visited the works, that the City is still at work within the jurisdiction of this State in contempt of the Injunction and the State Authorities.

If such is the state of the case no conference at this time will be of any avail in settling the matter.

I am very Respectfully Yours

AUG C FRENCH

Hon Jno M. Krum,¹
St Louis.

EXECUTIVE DEPARTMENT

SPRINGFIELD July 26, 1848

DR. SIR: I addressed you a Letter some few days since in reference to the work in progress under the direction of the City of St. Louis for

¹ John M. Krum: born March 10, 1810, in Hillsdale, New York; received education at Union College, New York; taught school at Kingston, New York; studied law; 1831, removed to Alton, Illinois, where he practiced law; first mayor of Alton; was holding that office at the time of the famous Lovejoy riot; 1842, removed to St. Louis, Missouri; 1844-46, judge of St. Louis Circuit Court; 1848, elected mayor of St. Louis; 1860, delegate to the Charleston Convention; at the beginning of the war, Mr. Krum identified himself with the Republican party; colonel of a regiment of enrolled militia composed of citizens of St. Louis; died September 13, 1883 (*Encyclopedia of the History of St. Louis*).

the Improvement of its Harbor. I then gave you briefly some of the reasons which induced me to believe it my duty to interfere to cause the Injunction which had been procured to arrest this work, to be observed. I had been assured through divers sources that the work was still being pushed forward, in contempt of the Injunction and the Civil Authority of the State. It seemed to me that the course pursued by the City Council was most extraordinary, as showing the most absolute disregard of the Civil Authority of Illinois, to give it the mildest form of expression it would bear, and what if possible gives the whole a worse coloring, is the clandestine manner in which it is said the work has been carried on—so as to elude the observation of the officers having charge of the Injunction. I was slow to believe this last, and until I learned by a direct Telegraphic Despatch from Genl. Cooley that such was the fact, I felt inclined to credit the assurance of the Committee of the Common Council of the City, then here, that I had been misinformed. There remains but one course to be taken in this matter, which is to cause the Injunction to be regarded within the Jurisdiction of this State. This must be done let the consequences be what they may.

If you think it necessary in order to enable you to support your authority and enforce that of the State, you are hereby authorised to call to your assistance the Militia force of St Clair County—In which case it may be preferable to employ the Artillery force under all the circumstances, to any other. I think you have a cannon at Belleville, there are cannon also at Alton which you are authorised also to take if required, to aid you, and besides call to your aid a sufficient number of officers and men, to render the object, the enforcement of the Injunction effective, and to sustain you fully in the complete discharge of your duty as an officer of this State. Such necessary expense as may be incurred in the discharge of your duty will be provided.

I am, Yours &c

AUG C. FRENCH

The Sheriff of¹
St Clair County

EXECUTIVE DEPARTMENT, ILLINOIS

SPRINGFIELD July 29, 1848

DR SIR: I wrote you some time since on the subject of the sale of the Canal lands Lots &c, and referred to reports in circulation that

¹ David W. Hopkins, sheriff of St. Clair county, 1846-50

arrangements were making and combinations formed, designed to monopolise the sale of the choice lands and Lots by forcing down competition &c. Sufficient information has reached me since to satisfy me that these rumors are to a great degree well founded. Under such circumstances it is matter of the very utmost importance, that the Trustees be prepared to take a decided course or adopt some decisive measures to avoid an injury to the State and consequently the Bondholders, by any combinations calculated to check free and undisturbed competition at the sales. I have taken the liberty to offer a suggestion in refference [*sic*] to the matter, if there shall be symptoms of such arrangements to lessen the sales or monopolise the purchases. I believe the law does not make it imperative that the sales shall be made on the immediate line of the Canal, but prescribes only when the sales shall take place and the general order in which it shall be conducted. My suggestion then, is this, that if it seem proper in order to avoid the contingency above referred to, the sale be adjourned to some other place, or if thought proper simply adjourned and the matter being represented to me, I will lay the affair before the Legislature for the provision by Law for the sales to be held at some place where the influences would not be felt, and the competition left free.

The People have been taught to regard these lands as a very important recourse towards the liquidation of the Canal Debt, and if any influences were allowed to operate to lessen its value or prevent a free competition among purchasers, the dissatisfaction among nine tenths would be intense. I will stand by the Trustees in any judicious effort they may make to render the sales honest, fair and just.¹

I am very Respectfully Yours,

AUG C. FRENCH

Capt. W. H. Swift

Washington City

D. C.

¹ When the new loan of \$1,600,000 was authorized in 1843, an act provided that the lands of the canal could not be sold until three months after the completion of the canal; all sales to be by public auction; sales to be held at least once each year for four years; values to be appraised by three disinterested parties (*Laws of Illinois*, 1842-43, 58). On February 25, 1847, it was provided that the lands might be sold even before the completion of the canal.

EXECUTIVE DEPARTMENT

SPRINGFIELD July 29, 1848

Messrs.

Yours of the 20th inst is received.¹ Before this reaches you, you will be put in possession of \$35,000 more of Interest funds. The Coupons of 1841, July—you are already authorized to take up and hold them subject to my order. Mr. Webster will probably call upon you and receive all such Bonds, Scrip, Vouchers and Coupons with such other papers as you may think proper to forward by him on his return from Boston, as before. I want all the securities you may have in possession forwarded by him at that time.

You will continue to fund until directed to stop by me. It strikes me that your suggestion in relation to the Foreign Bonds can be carried out, and in no other way that I know of, can it be done, for I have neither the power to appoint an agent to go to Europe for the purpose of receiving Bonds, nor the means within my control to defray expenses if one were appointed. Enclosed you will find the authority to carry out your suggestion. *You will not pay any thing on Coupons prior to July 1841.*² It is still very singular how Tilson could have taken the *Insolvent Debtors Oath* lately and have possession of these Bonds. The mystery is in no way cleared up and they will not be paid until I have some satisfactory reason how it all happens so, but this is between us.

Respectfully Yours

AUG C. FRENCH

Messrs. Wadsworth & Sheldon.

The following is a copy of the order referred to in the foregoing letter to Mr. Wadsworth.

EXECUTIVE DEPARTMENT

STATE OF ILLINOIS

SPRINGFIELD

TO JULIUS WADSWORTH ESQ^r

SIR: You are hereby authorised to issue New Internal Improvement Stock to all holders of original Internal Improvement Indebtedness as prescribed by Law, residing out of the United States upon the follow-

¹ For letter see *post*, 288.

² Until 1846, no interest had been paid on the state debt since July 1, 1841.

ing conditions. That the parties, holders of such indebtedness, by themselves or Agents shall present and deliver up the same to you at your Office in the City of New York, upon which such new Stock is sought to be issued, or in lieu of the surrender of such original stock, present you with proof of the loss of the same in its passage from the holder to you, and provided further that there shall be furnished you a complete Registry of such Bonds or Indebtedness duly certified by a Consul of the United States, together with his certificate that he enclosed and forwarded the original Bonds or Indebtedness well secured in a package forwarded and directed to "Julius Wadsworth Esqr of the City of New York United States of America, Agent for Funding the Internal Improvement Debt of the State of Illinois,["] which proof shall be retained by you to be transmitted for file in the proper office here, upon my order.

(SEAL)

Witness my hand and the seal of State,
this 29th day of July 1848.

AUG C. FRENCH

EXECUTIVE DEPARTMENT, ILL.

SPRINGFIELD 25th Octo 1848

Messrs.

Having been absent from the seat of Government for some weeks past, may account to you for the delay of this answer to yours of the 21st ult.

In my answer I will take up your various subjects of enquiry, in the order in which they appear in your Letter. The proceeds of the one and a half mill Tax are by Law, applied alike upon all State Bonds Canal as well as others, and whatever payments may have been made of interest accrued upon such Bonds they have been governed by this rule.

The provisional Two Mill Tax provided by our New Constitution has no reference to the other Tax, but is wholly independent of it, and in its application excludes the Canal Bonds. The object of this, I understand to be, is to place the residue of the State Indebtedness upon an equal footing in point of security with the Canal Debt, there having already been made large provision to meet this latter class.¹

¹ Interest on the canal debt was taken care of by a legislative act in 1843 (*Laws of Illinois*, 1842-43, 57). That part of the constitution of 1848, to which Governor French

The pro rata Dividend of interest payable upon Canal Bonds is to be applied upon Coupons as they severally become due. I think you give the first sections of the Law of July 28, 1847, too restrictive meaning, and the difficulty you seem to discover in the way of exchanging Mr. Shaws Bonds I do not conceive to exist. I can discover no more serious course of embarrassment in preserving the Books in conformity with the Law by allowing his Bonds to be funded than in the case of any other Indebtedness without Coupons. The amount due Mr. Shaw has in this State generally gone under the name of the "Wiggins Loan."¹ In some early arrangement entered into between the State and the Bank, the latter became liable to pay the interest promptly as it accrued. The failure of the Bank was followed by a failure to pay the interest as agreed upon, which was also soon followed by the inability of the State to pay any interest whatever on any of its debt. So soon as its means would justify, the State caused a Tax of very limited amount to be levied and applied to the interest due and accruing. By virtue of the same Law requiring the levy to be made, the money when raised was ordered to be applied by equal Dividends to the interest upon all Bonds outstanding, in equal proportions. From the date of this Law it has been generally understood that it superseded all others then in existence, if not expressly, at least clearly to be implied—So then the matter stands at present leaving Mr. Shaws Bonds upon the same footing with others. I submitted a memorial embracing in detail all the facts connected with this matter, at the request of Mr Shaw, to the Legislature of this State at its last session, with a recommendation that it be enquired into, but no action was had changing its relation to other Bonds.

It is somewhat doubtful, I think, if there will be. In the meantime however, I assure you that by an exchange of his Bonds Mr. Shaw will

refers, reads as follows: "ART. XV. *Two-Mill Tax*.—There shall be annually assessed and collected, in the same manner as other state revenues may be assessed and collected, a tax of two mills on each dollar's worth of taxable property, in addition to all other taxes, to be applied as following to-wit: The fund so created shall be kept separate, and shall annually on the first day of January, be apportioned and paid over pro rata upon all such state indebtedness, other than the canal and school indebtedness, as may, for that purpose, be presented by the holders of the same, to be entered as credits upon, and, to that intent, in the extinguishment of the principal of said indebtedness."

¹ Wiggins loan: the state had embarked in the banking business in the twenties and in the next decade had to borrow \$100,000 to redeem the notes issued. Not having the money in the treasury, the sum was borrowed of Mr. Wiggins, of Cincinnati, Ohio. Governor Ford, *History of Illinois*, 107, says, "The money was obtained and the notes of the bank were redeemed, the honor of the state was saved, but the legislature was damned for all time to come."

lose no semblance of security he may now have or is supposed to have, and I will take pleasure in contributing to do Mr. Shaw the justice in the premises, which it seems he is entitled to.

I am, &c

Messrs James G. King & Sons
New York.

SPRINGFIELD Novem 2, 1848

TO THE MAYOR OF ST LOUIS

SIR: Your letter of the ult was handed me on my return to this place after an absence of some weeks, which may in some measure, account for your not receiving an earlier answer.

The large amount of business accumulated during my absence utterly precluded me the opportunity of visiting your City for the purpose indicated in your Letter. Besides I am not sure it would be proper for me to interfere in any way with the controversy which had arisen out of your Harbor Improvement. The whole matter has now been submitted to the Judicial Tribunals of the State and in a few weeks will probably be decided, which it is to be hoped will put an end to this unpleasant controversy.

I am very Respectfully Yours

AUG C. FRENCH

N. NILES¹ ESQR

DR SIR: I have received the petition of certain citizens of St. Clair county together with your Letter which you forwarded to me, and have given them the most careful examination. This was due to the People of that county generally, and particularly to the Petitioners. The facts

¹ Nathaniel Niles: born February 4, 1817, at Plainfield, Otsego County, New York; 1830-34, attended an academy at Albany; 1837, licensed to practice law; resided successively at Delphi and Frankfort, Indiana, and Owensburg, Kentucky; 1842, settled at Belleville, Illinois; June 16, 1846-May 31, 1847, first lieutenant of Company "H," Second Illinois Volunteer Infantry; served with distinction at Buena Vista; made captain of an independent company; 1849-51, clerk of lower house, General Assembly; 1849-61, county judge of St. Clair County; interested in the publication of the *Belleville Advocate*; August 15, 1861-February 7, 1862, colonel of Fifty-fourth Regiment Illinois Volunteer Infantry; October 25, 1862-May 6, 1864, colonel of the One Hundred and Thirtieth Regiment Illinois Volunteer Infantry; 1862-63, in command at Memphis; took part in the Vicksburg, Red River, and Teche campaigns; 1865-67, representative in General Assembly; originally an anti-slavery Democrat, one of the founders of the Republican party (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905; *Adjutant-General's Reports*).

recited in the Petition, irrespective of what has heretofore taken place in reference to the subject matter of the Petition, would seem strongly to entitle it to a favorable consideration. The matter has at last been made to assume that shape which it has been clear to me for a long time, it was originally intended by those having the work in charge, and which was regarded as of no small importance to its success. The object to be gained was evidently by destroying the channel, injuring the Ferries and using the embarrassments thus thrown in the way by the operators, to induce me to withdraw all further hindrance to its completion. Just about the time of the commencement of this St Louis Harbor Improvement, and during both its open and clandestine progress, I earnestly requested and urged the propriety of its suspension until the subject could be presented to the Legislature of the State, the only competent authority to settle the controversy. I felt the strongest assurance that if the St Louis authorities would consent to this very reasonable request, no one interested either in feeling or interest, would have cause to complain of its final adjustment, and a dispute be avoided, which it is well known to all, is of no recent origin. This was disregarded and the right to prosecute the work assumed regardless of Executive wishes or State control, and the work it seems has been progressing openly or covertly until at last the state of affairs set forth in your Petition has been produced. I have no doubt that it will be conceded that I have as little authority to grant permission to destroy the St Clair Ferry, as I could have of inclination to abridge the true interests of the People of St Clair County when I did not conscientiously believe my duty absolutely required me to do so. Let the interest of the State in that Ferry be what it may, or rest upon what ground it may, and I am not disposed to quarrel with opinions which may have been honestly entertained in regard to it. I find sufficient to satisfy me that it ought not to be relinquished and that the State will be unwilling to surrender it, after the well known difficulty attending its establishment, without some sufficient and adequate guaranty that her efforts to abridge one monopoly were not in vain, and that its abandonment will not open the way to the erection of another, equally formidable and pernicious to the interests of the State. It may be well to examine who were among the most urgent for the establishment of the St Clair County Ferry by the State, and the peculiar and strong reasons urged in favor of it at the time of its establishment. There are those in the County of St Clair

who not only well recollect them, but aided in pressing them energetically upon the attention of the members of the Legislature. Before this Ferry is allowed to be arbitrarily destroyed, the People of Illinois have the right, and prudence demands that they be distinctly assured of what they are to expect from the monopoly thereby created, and the conditions of things thereafter.

The Petition assumes that the information upon which I have based the limited agency I have exerted in this matter, may be false or exaggerated. What effect or influence the casual information I received from various sources might have produced upon me, to induce me to interfere in the matter at all, independent of all other considerations, it is unnecessary to attempt to determine, as I was not left to depend upon that alone. As I before hinted, the contemplated St Louis Harbor Improvement is no new question, or for the first time agitated. Apart then entirely from all the information to which the Petition refers, what is known in relation to it which ought not lightly to be overlooked by a Public Officer. During the last sitting of the General Assembly a Bill was introduced into the Senate having express reference to this very subject. The Bill was drawn and probably introduced by the Senator from Madison County. It was liberal and far more so, in its terms, than what has since been claimed, or would be authorised, if the Petition were granted, which you forwarded me. Its examination will satisfy any one of the correctness of this statement. No opposition that I heard of, was offered to the Bill by that Senator or any of the delegation from the Mississippi portion of the State above St. Louis. The Bill I believe was unanimously voted down, or by nearly an unanimous vote. For some cause unknown to me, the Bill came again before the Senate, and by that body was referred to a large and highly intelligent committee, the Chairman of which I believe was the Senator from St Clair, and the journal of the Senate shows that this committee also recommended its rejection, which was likewise nearly or quite unanimously agreed to. What better indication could be asked, that the request in your Petition ought not to be granted absolutely without reservation or limitation. Every signer to the Petition must be aware that I would most cheerfully accede [*sic*] to whatever might seem to be for their interest, if I had the power and a conscientious discharge of what I conceive my duty to the State would allow me to do so. Under the influence of these circumstances I would willingly submit the ques-

tion to each Petitioner, whether the request which I have uniformly made, that this subject might be submitted to the Legislature, was not just and reasonable, and the only course which could be consistently adopted. If by disregarding what was but just and reasonable, the prosecutors of the work find themselves embarrassed by the effects of their secret movements. I cannot perceive [*sic*] that it gives rise to any obligation on my part to swerve from what clearly appears to be a part of my duty as the Executive of the State.

Receive assurances of my respect & esteem

A. C. FRENCH

EXECUTIVE DEPARTMENT

SPRINGFIELD Nov. 4, 1848

MESSRS WADSWORTH & SHELDON

Your letter of the 24th ult.¹ is before me. Perhaps I do not clearly discover the full force of the suggestion you make in your Letter, as coming from Mr. Leavitt, in regard to the advantage to the holder of a lately issued Canal Bond over the holder of one earlier issued. It seems to be this, that the former can use his Certificate of arrear interest in the payment of debts incurred on sale of Canal lands, while at the same time he draws his equivalent of interest on Coupon of '48. It strikes me however that this is more apparent than real, inasmuch as the debt for which these Certificates can be given in payment, is very limited in amount, so much so that except in few cases of individual instances it would be but a small object. Owing to press of business I have been able to give it but a moments consideration and may have overlooked the main point, if so on your suggestion I will recur to it hereafter with a view of doing justice to all creditors alike as far as practicable.

I am not satisfied that I ought to give any new directions in regard to Coupons of 1840. I probably hinted to you in the same letter when I referred their payment the reasons of my doing so, and in a further communication with your Partner Mr. Wadsworth, here, I find no good reason for changing the instructions heretofore given, that no payment be made on Coupons of 1840, until you receive further express directions from me, to do so. I am anxious that the funding be pushed forward as

¹ This letter is not found in the Letter-Books.

fast as possible before the sitting of the Legislature, and that the canceled Bonds be returned here if possible. I lately wrote you to forward all to me by Col. Oakley, which I suppose you have done. You will so arrange it as to keep yourselves well supplied with blanks. I sincerely hope the United States Bank will see the propriety of sending in their Bonds to be funded. The advantages to the holders for many reasons, it seems to me, are too plain to be overlooked

Very Respectfully Yours

AUG C. FRENCH

SPRINGFIELD Nov. 17th, 1848

DR. SIR: Your Letter of the 9th inst. is just received. I am satisfied that the Legislature will be unwilling to incorporate a provision in any law it may pass, of the kind you desire. They have been accustomed and will continue to regard yourself and Mr. Stebbins as the only creditors in the matter. The only possible amendment which I think can reasonably be expected, is that you be allowed to substitute other securities in lieu of those which cannot be got hold of at a fair rate.

Yours Truly

AUG. C. FRENCH

C. Macalister
Philadelphia
Pa.

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL. Nov. 29th 1848

SIR: It is with pleasure I comply with your request, embraced in your Letter of the 13th inst. and forward you the Law according to your wish. As respects the practical bearing of this Law upon the securities to which it mainly relates I can add but little that will not be readily inferred from the Law itself, and simply referring you to the market value of the Stocks subsequent to the exchange.

You seem in the main to take the same view of the object and effect of this Law, as others who have given it their attention. I believe, with scarcely an exception, so far as has come within my knowledge, it has been regarded in a favorable light; as an evidence of which, holders

both in Europe and America readily comply with its provisions. With the single exception of the amount subject to the control of the Bank of the U. States, the larger portion of the contemplated securities have already come in, and the exchange made.

You are correct in taking the amount of the last current semi-annual Dividend at \$6.00. This amount was less than the preceding one, and much less than those which will follow, excepting that of the ensuing January. Without increasing the rate of Taxation, the aggregate yearly increase upon Taxable Property will exceed 9 per cent. This can be accounted for by the fact that the country is new, rapidly filling up, drawing with its Population, wealth &c.

In addition to the mill and a half Tax, applied upon the interest as you are advised, the Constitution of this State lately adopted by the People, provides for the levy and collection of a two mill Tax upon every \$1[.]00 worth of Property in the State. This Tax will probably amount to about \$225,000 yearly, subject to a like annual increase with the former Tax, arising from like cause. This sum is required to be set apart to be applied in January each year upon the principal of the Bonds which may be exchanged under the enclosed Law. This special provision applicable only to the class of Bonds contemplated to be exchanged under this Law, was adopted with the view of placing this peculiar class of State Indebtedness upon a footing as favorable as that of the Canal Indebtedness for which large means had been from different sources provided.

There is another object to be gained by the enclosed Law, not so apparent upon the face of the Law itself, and which it may be proper here to mention. Provision has been made by which the arrear interest Bonds are received in payment for State Lands, of which the State is possessed of a considerable quantity. The number of purchasers are rapidly turning over to the State Treasury large numbers of these Bonds. The demand will probably continue to increase until the Lands are purchased, amounting to some where near, by appraisal, \$1,000,000.

I had understood that Messrs. Hope & Co. had signified their desire to comply with the Law, under the advice of the Messrs. Barings, of London, who have already sent in the large amount of Bonds held by their House, and exchanged them, and through whose advice many others have in like manner come in.

Upon the advantage or disadvantage arising to the creditors by complying with the Law, it is not my purpose to speak, further than the

design of the Law was the benefit to the creditor, and the subsequent action of the State is another evidence of the disposition of the People to do what they can to meet their indebtedness

Perhaps I have not answered so fully as you desired, if so, by inviting my attention to any one subject upon which you desire information, it will be furnished you if within my power.

I am Very Respectfully Yours

AUG C. FRENCH

President of the
Bank U. States
Phil
Penn

UNITED STATES

STATE OF ILLINOIS

SPRINGFIELD Dec. 1, 1848

Messrs.

I have received your Letter dated 31st ult. in which you inform me that you have transmitted a large amount of Bonds \$720,000, to the Agent of this State in New York, Julius Wadsworth Esqr, for the purpose of having them exchanged under a late Act of this State Legislature. It appears also from your Letter that other Bonds are in your possession and partially or altogether subject to your control, but which from some good cause cannot be forwarded in like manner with the others. I do not probably sufficiently understand from your Letter the true character of the hindrances to which you refer, but take it for granted that they arise out of the risks attending their transmission across the water. If I am correct in this inference, the Authority I have given Mr. Wadsworth, the said Agent, a copy of which I will request him to send you, will obviate the difficulty.¹ From that you will see that by complying with it, the State will assume all risks and in case of loss replace the missing Bonds without charge or trouble to you

With my best wishes, I am,

Very Respectfully Yours

AUG C. FRENCH

Hope & Co
Amsterdam
Holland.

¹For instructions concerning loss of bonds in transportation see *ante*, 180-81.

SPRINGFIELD Decem. 11th 1848

Messrs.

I have just received the Bonds which you forwarded to me, issued upon scrip received in by me. I believe they are correct.

You will strike your Dividend of Interest for Jany 1849, on \$50,000, only. This is as much as I feel sure will be on hand to meet the payment of interest at that time. I shall endeavor so to arrange the Dividends hereafter as to make the payments exactly similar in January and July. Of this you can inform our Creditors. Hereafter you will be relieved from the transmission of so large a sum to Europe as you have been required to send forward, before. Already, I presume, the larger proportion of Bonds heretofore held in Europe and made payable there, have been sent in and exchanged, and of the remainder still behind many more will soon come forward. Owing to the difficulty of my not clearly knowing the relative amount sent with those retained I cannot instruct you in the amount to send forward. This I must leave with you, with this single suggestion, that I would not forward large sums at once, so as to be quite certain that unproductive sums may not accumulate there. Perhaps you can provide for an advance on the part of Matteson & Co, if a little should be wanting in your remittance &c

AUG C. FRENCH

Messrs

Wadsworth & Sheldon
N. Y.

EXECUTIVE DEPARTMENT

SPRINGFIELD ILLINOIS Dec 12, 1848

Messrs.

I enclosed and sent you some time since, the Copy of a Letter which was addressed to me by the Members of both Houses of the General Assembly of this State, in reference to the Illinois and Michigan Canal. The Letter was designed to draw attention to the manner in which the work was conducted, and particularly the salaries allowed to the Trustees. The Law under which the State relinquished the control of that work and transferred its future management to Trustees, a majority of whom were to be selected by the subscribers to the Canal Loan, left

the right in the subscribers, also to fix the salaries of these officers. With these arrangements the People of this State do not seek to interfere, and if they find that the powers thus conferred are abused, they prefer appealing directly to those who have the means of correction in their own hands. This is the reason why I enclosed you the Letter, and to show also the general feeling upon the subject to which it referred. The Trustees selected by the subscribers to the Loan, have since their appointment received \$5,000 per year, each, as salary, which will be continued hereafter, without some regulation by those having the power to make it. This salary is exorbitant in amount, and assuredly is just cause of complaint. It is every way disproportionate to the services rendered, the skill required, or the responsibilities incurred. If this question rested alone with the American subscribers to the Loan I am assured it would have been corrected long since, for I have the best means of knowing, that by far the largest number of them view it in the same light with myself and the People of this State. I am aware Gentlemen, of the difficulties under which you labor from your distance from us, in your attempts to settle this matter in a satisfactory manner. But if you are led in the least to question the correctness of the view here taken, I would willingly abide the opinion of disinterested men among the most honorable and highminded in New York or elsewhere. I confess to you I feel some solicitude in the matter, because it may have a tendency to disturb that harmony of feeling between the People of this State and her creditors, which I have labored most assiduously to preserve. I feel the strongest assurance that you would be equally unwilling to suffer any thing to occur which should have a tendency to bring it about, and this is my reason for once more inviting your attention to it. The readiness with which you have manifested a desire on all proper occasions to serve the State, may account for the frankness apparent in this Letter.

I should be highly gratified to hear from you on this subject, that your answer may be laid before the Legislature.

Receive assurance of my respect

and esteem

AUG C. FRENCH

Messrs Baring Brothers

London

England.

SPRINGFIELD Dec 14, 1848

DR. SIR: Your Letter of the 25th ult. reached me this morning, and I take the earliest opportunity to answer it. I have as you are already informed, addressed the Messrs. Barings, London, by calling their attention to the salaries of the Trustees of the Illinois & Michigan Canal, giving them my own views in relation to the subject. I shall also bring the same matter to the notice of the Legislature at its meeting.¹ You will be informed of the Barings' answer, so soon as it is received. When it is received I shall take such steps as may be pointed out by the Legislature, to get rid, if possible, of such exorbitance in future. You enquire the probability of a repeal of the Act of 28th Feby. 1847. I can only say that I do not think it probable that the Legislature will repeal the Law in its present condition, the purpose of it having progressed so near a completion. I cannot take the same view of the justice of the Law in its more substantial parts, as you do. I am quite certain that the change contemplated cannot result to the eventual injury of the creditors. Supposing the Debt left in its original form, it is hardly probable that the arrearred interest would be paid prior to 1857, although the State were to direct its utmost energies towards this object. It could be but gradually met and at last would realise the same result, or no more advantage to the creditor, than through the intervention of the Deferred Interest Stock. One prominent object to be gained by the change in the form of the securities, was, to open the chance to the creditor to invest the Deferred Interest Certificates [*sic*] in land, which would have a tendency to increase the value of the new securities over the original. I am informed that this is already manifest from the market value, and I know that much of it is already vesting in the State lands here. The Constitutional provision for raising Revenue to which you refer me, is entirely misconceived by you if I correctly understand that portion of your Letter referring to it.

The Constitution makes provision for a two mill Tax to be applied to the principal of the Internal Improvement debt, to operate virtually as a sinking fund, but it offers no restriction to further increase of Taxation by Law, to any extent or for any purpose. Its object was merely to furnish limited means for sinking the principal, so as to place this

¹ Governor French did bring the matter before the General Assembly (*Senate Journal*, 1849, first session, 195-96). The General Assembly took all the authority that it possibly could. Resolutions were passed, calling upon the state trustee to accept \$1,500 per year (*ibid.*, 340).

debt upon as favorable footing as the Canal Debt, for which means had been previously appropriated.

There is about three months of the time limited by Law for exchanging securities, still remaining.

You will excuse the very apparent haste of this as I am incessantly employed in preparing for the meeting of the Legislature.

Receive assurance of my respect

and esteem

AUG C. FRENCH

Silas Wood Esqr
New York.

SPRINGFIELD Dec. 14 1848

DR. SIR: I learn from a paragraph in a Newspaper before me, that the Trustees of the Illinois and Michigan Canal have appointed Mr. Gooding, formerly Engineer on the Canal, Secretary to the Board, in place of Robt. Stuart Esqr deceased. That this appointment should excite in me some surprise, is not strange, when taken in connection with what has taken place in regard to Mr. Gooding, in which I am personally concerned. Upon a careful examination of evidence furnished me, I felt called upon to remove Mr. Gooding from office of Engineer on that work.¹ The question of the propriety of the removal does not, as you are aware, rest alone with me, but must also be passed upon by the Senate of this State. Should the same view of this question of removal be taken by the Senate as myself, it will not be difficult to see the result of this act of the Trustees. In a word it is very singular that the Trustees could not find some man to fill this place sustaining a different relation to my self and the State Trustee, from Mr. Gooding, except it were designed in contempt of what has taken place, in which light only I can view it.

You are personally aware of the anxiety I have manifested to modify as far as action of mine could do so, every thing calculated to create unpleasant feelings between the Trustees and People of this State, and this it seems is the return the Trustees make for it. That

¹ For Governor French's reasons for removing William Gooding, see *ans's*, 145, n. Mr. Gooding afterward became acting superintendent.

the appointment will be most unfortunate, is already but too apparent, and will cause a series of movements which the least respect to ordinary courtesy might have avoided. I address you this brief note, from the disinterested and honorable view you took of all matters connected with the Canal when I last saw you in New York. and from a consciousness that you appreciated my motives in the same matter. I need not add that this letter is designed for you personally.

Receive assurance of my respect
and Esteem

AUG. C. FRENCH

T. W. Ward Esqr
Boston
Mass.

SPRINGFIELD ILL. Dec. 14, 1848

DR. SIR: I addressed you a letter some time since, in reference to the Macalister & Stebbins claim &c against the State, I also made a suggestion of what seemed to me the most appropriate course under all the circumstances, and also the probable view I thought the Legislature would take of it. Your suggestion previously tendered me, if I correctly understood it, was, that the Governor should be authorised to settle directly with the holders of the hypothecated Bonds. In this measure I could see nothing to recommend it over the present law, where the same difficulties would meet us again, which were encountered when we were together in New York. I am inclined to think that the most which can be hoped for from the Legislature, will be to authorise the Governor to lift the hypothecated Bonds under your direction as far as practicable, and then allow you to supply the deficiency with other securities. This if I understood you rightly would have satisfied you when I saw you. If you have any other claim than that covered by existing Law, you can present it after this is settled. If the above meets your views inform me at once that I may so frame my communication to the Legislature as shall correspond.

If you desire any assistance in the matter here by way of preparing a Bill or otherwise, I would recommend you to address the secretary of

State here, Gen. H. S. Cooly,¹ who will attend to it for you efficiently and as well, as can be by any one.

Very Respectfully Yours

AUG. C. FRENCH

Chas. Macalister
Philadelphia
Penn.

EXECUTIVE DEPARTMENT

SPRINGFIELD April 2d 1849

Messrs.

I this day transmit you Treasury Draft No 2667, properly assigned to you. The amount is sent to you as a part of the State School Fund. You will therefore invest the amount in Interest paying State Indebtedness, that is, in Funded Bonds, original Bonds unfunded, or Internal Improvement Scrip, all bearing interest, at the lowest market price you can purchase them.² The Bonds when purchased you will please cancel by simply drawing red lines across the signatures of the Commissioners who signed them, and hold them subject to my order. This transaction will be kept entirely distinct from all others. The account of remittance and purchase will form a distinct and isolated account. You will forward at stated times the amount forward you of this fund, the amount purchased, with the character and number of the securities purchased, that all may be filed here. The amount now forwarded is \$2000, you will shortly receive another Draft for somewhat over \$3,000, and so on at intervals as I can procure funds from the Government.

You will have to exercise your discretion in the purchase of funds, of the above kinds, as their market value may make more or less to the interest of the Fund employed. It will be well as before intimated in a

¹ Horace S. Cooley (Cooly): born in Hartford, Connecticut, in 1806; spent two years in study of medicine; studied law in Bangor Maine; 1840, removed to Rushville, Illinois; removed a little later to Quincy; appointed quartermaster-general by Governor Carlin; December 23, 1846—January 8, 1849, secretary of state, by appointment; January 8, 1849—April 2, 1850, secretary of state by election; died April 2, 1850; in politics a Democrat (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

² For the governor's authority in ordering this purchase, see *Laws of Illinois*, 1849 (first session), 70.

former letter to allow this transaction to remain a secret. Altho no one is injured it being a peculiar fund appropriated to a specific object, still from a want of knowledge of this fact to some, complaint might be made as if the State were not doing justice in the matter. My impression is that the most favorable purchase can be made of original Bonds not yet funded on which there is large interest due, of this however you are by far the best judge.

Truly Yours

A. C. FRENCH

Messrs Wadsworth & Sheldon
N. Y.

SPRINGFIELD April 6, 1849

Messrs.

Since writing my letter of the 2d and which has been delayed in being forwarded until now, I have received yours of the 15th, both of same date.¹ I am surprised that you did not receive a copy of the Law authorizing an extension of time for funding,² previous to the date of yours, as it was copied and forwarded within thirty minutes after it was approved. The Bonds forwarded by Mr. Webster have been received before now. I really cannot see what is expected to be gained by Mr. Wood or Holford's agent, and I think it will be equally difficult for them to tell what may in the end be gained by it. It matters not however, provided we effect the exchange, how many protests are thrown around the Bonds. You may hold out the intimation to holders of bonds that interest may be withheld soon hereafter upon unfunded Bonds, as you hint in your Letter. I see from your Letter that you do not precisely take the meaning I intended to convey in what I said in regard to the Macalister & Stebbins Bonds. I will leave further explanation for another Letter. In respect to the purchase of Bonds with the School Fund, much must depend upon your own judgment in determining the kind of securities it may be best to purchase, confining yourself to the denominations of interest paying mentioned in mine of the 2nd inst.³ Perhaps as a rule it may be best to be governed in your purchase, by what would be best for the interest of the State, provided

¹ *Post*, 299.

² *Laws of Illinois*, 1849, first session, 70.

³ *Ante* 195.

the fund employed belonged to the State instead of the School fund. I will try and have 15 or \$20,000 of interest money in your hands by the first of May.

Yours Truly

A. C. FRENCH

Messrs Wadsworth & Sheldon
N. Y.

(Confidential)

SPRINGFIELD April, 1849

DR. SIR: I truly feel under many obligations to you for the interest you manifest in the subject matter of my last Letter, so far at least as it referred to the appointment of Mr. Gooding to fill the place of Secretary of the Board of Trustees, and it is for this reason I now address you.

I am also obliged for a copy of Capt. Swift's letter to you, relating to the same subject. I really think it a subject much to be regretted that there could no one but Mr. Gooding be found capable of performing these duties. A man known to be personally hostile to me, removed for good cause from his office, and with whom it could not have escaped the Trustees, it would be unpleasant to me to do business or carry on communication. I am bound to suppose that Capt. Swift did not intend to annoy me personally by this appointment, for he so states, but if he could for one moment overlook the inference [*sic*] which every body would draw and in fact have drawn, that they have made issue with the executive of the State, in this appointment, I am much mistaken. I do not desire to be understood as saying that Capt. Swift did not regard this a good appointment, but the result may prove that the Trustees might have made a better without so distinctly marking the relations which they seem so anxious to preserve between themselves and the authorities of this State. There is no one here who cannot see good reasons why the appointment should not have been made.

The propriety of the selection of this man so profusely lauded by Capt. Swift, has already begun to develop itself. As I shall forward you the report and Resolutions of the Judiciary Committee of the Legislature, and which were unanimously adopted by both houses, it may be proper to show you who was the active agent in producing it all.

Every thing in the Legislature passed off quietly with no manifest disposition to make the canal the subject of special enquiry until there was placed upon the Tables of the members of the Legislature a number of a Paper printed in Chicago, called the "Commercial Advertiser." In this paper I was charged with having allowed the appraisers of Canal Lands \$3,000, each, for 108 days work. This was known to be false, I having no more to do with it than any member of the General Assembly, or yourself. At the same time this Mr. Gooding writes a letter to a Senator, informing him that the publication in the paper was not designed to reflect upon the appraisers, but "to get a stroke at the Governor." This was the object of this accomplished official. The Governor had to be attacked and Mr. Gooding must do it by a deliberate and gross falsehood. This called for enquiry at once in the Legislature and an answer from me which went before the General Assembly. The report and Resolutions unanimously adopted by the Legislature, were the result. The whole matter so foolishly stirred by the only man who it seems is qualified to act as Secretary of the Board of Trustees, has the honor of bringing out the whole.

I tried to impress upon Capt. Swift one fact, of which you are familiar. That he had suffered himself to be most egregiously imposed upon by a few mercenary individuals on the line of that canal, in regard to the view the people took of it, that difficulties were hushed by me instead of being fanned, that he had little to lose by showing some respect to the disinterested opinions of the Authorities of this State. That all the disaffection was not confined to cliques as he had been industriously informed. The action of the Legislature although much modified will satisfy any one that I was not mistaken when I candidly gave him my opinion of the matter in New York. I need not repeat what every one knows, that I have labored most assiduously to preserve harmony, and in my recent appointment of Trustee¹ manifested it to the utmost; when the Trustees, if they have not, as I believe they have not, intended to insult me by their appointments, have shown an utter contempt of the feelings and wishes of the Authorities of the State as well as the manifest wishes of the People. I sincerely regret that anything should have occurred to lead me to take this view of the course adopted by the Trustees, but being the true one, so far as can be inferred at all by their acts, I am forced into adopting it. As the matter now stands, the Trustees

¹ On January 17, 1849, Joseph B. Wells succeeded Colonel Charles Oakley as state trustee of the Illinois and Michigan Canal.

will be left to discharge their duty as they please unadvised by me, and I shall discharge mine both to them and the People of the State.

I am very Respectfully Yours

A. C. FRENCH

Thos. W. Ward
Boston
Mass.

EXECUTIVE DEPARTMENT

SPRINGFIELD ILL. April 7th 1849

SIR: Your letter of the ult. was received by me some time since, but owing to a press of business upon my attention following immediately upon the adjournment of the General Assembly, I have been delayed in answering it much longer than I wished. You inform me in it, that those having the direction of the affairs of the Bank over which you preside, have determined that it will not be for the interest of the bank to comply with the Law of this State, referred to in your letter, by Funding the Bonds of the Bank according to its provisions. To this resolution of the officers of the Bank I have nothing to say, further than that I very much regret that this view of the matter should be taken, from the interest I feel in having the Law fully complied with. The transaction under the Law is measurably completed, and by far the larger amount of the securities contemplated in the Law, has been already exchanged, at least nine tenths of it.

From the alternative propositions in your letter, it might be inferred that you suppose that in the contemplated exchange of securities, the State designed to derive some improper advantage over her creditors under the Law. Such however was not the fact, the sole object of the Law will be found in the preamble. And I feel assured that so far from working the least pecuniary injury to her creditors, the course taken by the State will tend greatly to their advantage, as those who are most deeply concerned in the State securities have already admitted. In carrying out the provisions of the Law, the State was necessarily compelled to cast herself in part upon the courtesy of her creditors to enable her to rid this peculiar portion of her indebtedness from uncertainties and embarrassments to which it has been exposed.

This was the main object of the Law, and for which alone it was passed. I am utterly unable to discover the advantage, if any, which

is likely to accrue to your Bank, for reasons given in your letter, because it is quite certain that the State will be unable to pay off the arrear interest on her debt prior to the period at which the interest certificates will commence drawing interest, even if she succeeds in meeting the interest, as it accrues. The interest now in arrear amounts to more than one third of the original State indebtedness. By the exchange contemplated by the Law, an opportunity is afforded those desirous of doing so, to invest the interest certificates at once in State lands, which many holders are now doing, and thereby the arrear interest is being gradually absorbed, to the manifest increase of the market value of that portion remaining outstanding.

From the present condition of the State Bank and the relation between it, its affairs, and the State, but little confidence can be placed upon the guaranty to which you refer. In fact it is the State to which the creditors must solely look for satisfaction of these Bonds issued by her authority, to expect it from any other source is visionary.

I have written you frankly but briefly, and while it is a source of deep regret to the citizens of this State, that the State through its inability to meet its engagements, should become the instrument of embarrassment or loss to her creditors. I am satisfied that the Legislature of the State will not willingly change the course of policy adopted, by which one of its creditors would be preferred to another.

At your suggestion I shall cheerfully furnish you such information as you may desire.

I am very Respectfully Yours

AUG C. FRENCH

President of the Bank of
Corning N. Y.

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILL. April 11th 1849

SIR:¹ In my last communication, I requested you to forbear the sale or disposal of the State securities which had been pledged to you for an advance you had made on behalf of the State. I also gave you the assurance that in case you would comply with my request, I would take occasion to bring the subject directly to the attention of the Legislature of this State, when I had no doubt provision would be made

¹ George Peabody, London, England. See *ante*, 159, n.

to meet your claim and take in the Bonds. In conformity with this assurance I laid the matter before the Legislature by special communication. The Senate forthwith and without a dissenting voice passed a bill making provision for the payment.

It thereupon went to the House of Representatives and with like unanimity passed up to its third and last reading, but failed for want of time to reach it on the regular Calender of Bills, owing to a constitutional restriction in regard to the length of time the Legislature can remain in session.

I exceedingly regret this failure as I felt so sure of its success, and from the hopes I had held out to you regarding it. You will allow me however once more to appeal to your courtesy in requesting a further postponement of the sale of the Bonds in your possession, as it is almost certain that the General Assembly will be convened some time during the present season by Executive order, to complete the unfinished business of the last session, when I feel assured ample provision will be made to adjust your claim.

I feel that I am placed under obligation to you for the promptness with which you complied with my former request, and feel somewhat humiliated at the failure of my expectation so freely expressed to you in my Letter. You will pardon me in calling your attention to a letter of yours published in the "New York Journal of Commerce," printed in New York City, dated London Dec. 30th, 1848, and addressed to J. J. Speed Esqr of Baltimore, in which you refer to the debts of individual States and among the number that of the State of Illinois. I observe that the amount of her debt is set down at \$21,000,000. The entire debt of the State of Illinois principal and interest does not reach \$17,000,000, and this exclusive of the means within the control of the State and convertible, amounting to more than \$4,000,000, besides the income of the Illinois & Michigan Canal, now compleated [*sic*], which is very considerable. I presume the error originated in supposing that the amount of the State debt usually found in the reports upon this subject, embraced the principal only, when in truth they embrace both principal and interest, and one third of the entire debt existing at present, or nearly so, is made up of arrearred interest. I make these corrections in a feeling of kindness which I feel sure you will appreciate. And you will allow me in conclusion to express my gratification at the generous and just sentiments of the letter here referred to, in regard to the delin-

quent States of this Union. In this State numbering not far from 1,000,000 of inhabitants, the citizens count upon the eventual discharge of our entire State debt with the same certainty as of any common occurrence.

Receive assurance of my high respect

AUG C. FRENCH

SPRINGFIELD April 12th 1849

Messrs.

Perhaps I owe you an apology for this late answer to your letter of December last. It would have received an immediate answer, but from some cause it became mingled up with other papers and became lost until very recently, when it was casually recovered.

I have caused such examination to be made by my Secretary as, from what he informs me, to render it quite certain that the payments of \$3,23, \$3,89, & \$7,00, were paid upon the coupons to which you refer in your letter of the 9th December, except one Bond which must have been erroneously numbered in your letter (No 303 should be 302) as belonging to the party as therein stated,

In answer to your enquiries in relation to the State Bank, I am unable to give you that information at present, which you desire. The assets of the Bank having lately been placed in the hands of Trustees for settlement &c, under the Law. Sufficient time has not yet elapsed to enable them to fully understand the true position of the Bank. So soon as this can be ascertained I will cause you to be informed, or if I should omit in proper time to do so, by calling my attention to the subject, your request will be attended to.

I am very respectfully Yours

A. C. FRENCH

J. G. King & Son
N. Y.

EXECUTIVE DEPARTMENT

SPRINGFIELD April 16, 1849

DR. SIR: I have just received your Letter of April 4th¹ enclosing an extract from a letter of directions from Matheson & Co. of London to Messrs. Howland & Aspinwall of N. Y., in relation to Bonds for-

¹ *Post*, 302.

warded by the former for Funding. Since my last letter to you referring to these Bonds I have examined the papers upon record here, which refer to the transactions of the State with Wright & Co. and find myself fully justified in the view of the matter I then gave you. You are incorrect in supposing that the printed information to which I called your attention, is embraced in Reports earlier than 1840. The contract with Wright & Co. was made previous to that time, and the bonds of which these in dispute form a part, were those left with him for sale. All were disposed of or pledged in a manner to render the State liable, except 722 Canal Bonds, which I learn were brought home by Oakley and Ryan, and these now in dispute, which were left with the agents of the State by Genl. Whiteside, the Fund Commissioner. These Bonds were given up by Wright & Co. or their assignees, to the Commissioner and were never sold or disposed of by any one. You will see mention made of this fact on page 238, *last half* of Reports of 1842-3, or that portion of the volume devoted to the Reports of the House of Representatives. The Record from which this Report is made up, and which is on file here enumerates the identical Bonds you have furnished me the numbers of, as being the £166,950¹ which the Report says were deposited with Messrs. Morrison, Jaudon, and Smith, agents of the Governor and Fund Com.

There surely can be no claim upon these Bonds by any one, as clearly shown by the records, which makes their presentation for funding under the circumstances, to me a matter of utter astonishment.

I am very Respectfully Yours

A. C. French

J. Wadsworth Esqr N. Y.

SPRINGFIELD April 19, 1849

Messrs.

I have enclosed and forwarded to you three drafts, one for \$15,000, Interest Funds for July—also a check for \$500—to be carried to the same account, except \$38,00 of it which you will carry into the School Fund account, with a draft I send you on same account for \$3264,40.²

¹ This amount as stated in the printed Reports is incorrect; it should be £214,950.

² In receipting for these inclosures the amount is given as \$3,264.46 (see *post*, 304).

In a word it will stand as follows—

To be carried to account for July instalment of Interest \$15,462

To be carried to School Fund Account, and receipted accordingly
\$3302,40

I suppose the check on the Utica Bank to be same as cash in the City.

I have not heard from Treasury Warrant for \$2,000, sent you on account of School Fund.

I observe Illinois Bonds are down just now. It may be a good time to invest.

With Respect Yours

A. C. FRENCH

Messrs. Wadsworth & Sheldon
N. Y.

EXECUTIVE DEPARTMENT

SPRINGFIELD July 5, 1849

J. WADSWORTH ESQ^R

DR. SIR: It has become apparent that I shall not be able to visit New York this season, owing mainly to circumstances not foreseen when I informed such was my intention. I have received a letter from Mr. C. Macalister of Philadelphia suggesting that a movement may now be made preliminary to a settlement of the Macalister & Stebbins claims against the State. I have answered him by saying that the matter of settlement would be turned over to you under such directions as may become proper from me. I have therefor[e] to request you to act in the matter. I am unwilling to commence again with a view to the settlement of this claim without assurance that it can be completed and a final settlement made, because it would be incurring expense upon contingency unnecessarily. I am allowed by law to pay all expense except procuring Bonds, that is Blanks, for which no provision is made in the Bill, as you will observe by reading it. This will have to be paid by the opposite party. It will amount to an item however, merely. The Blanks furnished before, you will observe are of no account. Mr. Carpenter the Treasurer, being dead, and I have heretofore requested you to send them here with the other Blanks you design forwarding, that they may be destroyed. I will shortly send you the form of a Bond to be used in

the settlement, which you can show to Mr. Macalister, and arrangements be made to have them struck and sent to me for proper signatures, with the Blank Certificates which you informed me you intended to send me, for signature, unless it becomes necessary to have the latter sooner than the others could be prepared ready to send. The form of a Bond I will try and send you within the coming two days—Such directions in regard to the advertisements as may seem necessary will also be sent you soon. The basis of settlement and manner of conducting it will be forwarded at an early day.

I am very Respectfully Yours

AUG C. FRENCH

EXECUTIVE DEPARTMENT

SPRINGFIELD July 7th. 1849

DR SIR: I herewith send you the form of a Bond to be used in the settlement with Macalister & Stebbins. This you can submit to them and should your acquaintance with such matters and its comparison with the Law suggest to you any formal alteration, you can have it made before the Bonds are printed. You can designate such marginal embellishments as you may prefer should accompany the Bonds.

I have caused to be forwarded to you a copy of the Laws of the last session. For the advertisement, it will be best for me to fix it up here, and may be best to accompany the publication of the law, itself. You will observe that I wish to be assured that the law will be carried out.

The printing the Bonds must be paid by them. I will have the advertisement forwarded so soon as you give me to understand that the matter will be carried out by Messrs. Macalister & Stebbins. As I have heretofore wrote you, you can send these Bonds by express, with others you spoke of forwarding, together with the Bonds formerly printed to be used in said settlement. Printed Blanks will answer for these Bonds. I wish these Bonds to rest upon the same footing in regard to transfer as the others.

AUG C. FRENCH

J. Wadsworth Esq^r
New York.

(FORM OF BOND REFERRED TO ON THE PREVIOUS PAGE.)

UNITED STATES OF AMERICA

STATE OF ILLINOIS

No.—

\$1,000

Six per cent,—Liquidation Bonds—Interest half yearly

Know all men by these presents,—That there is due from the State of Illinois to.....or his assigns One thousand dollars with interest at the rate of six percentum per annum, payable half yearly, on the first Mondays of January and July at the Illinois State Agency office in the City of New York.

The principal of which is reimbursable at the above place at the pleasure of the State after the year 1865. For the performance of the obligation herein created the faith of the State of Illinois, is irrevocably pledged, and the punctual payment of interest provided for pro rata out of the common Interest Fund of the State and the balance out of the State Treasury, agreeably to an act entitled "An act supplemental to an act to authorise a settlement with Macalister & Stebbins, and further to diminish the State Debt" Approved March 1st 1847, and an act supplemental thereto, Approved Feby 10th 1849.

This Bond is recorded in the Transfer Office in the City of New York, and is transferable only by appearance in person or by Attorney according to the rules and forms instituted for that purpose.

In testimony whereof

*Governor**Treasurer of State*

SPRINGFIELD July 18, 1849

DEAR SIR: I have just received your Letter of July 10th¹ enclosed with copies of papers received from Matheson & Co. relating to the Bonds in the hands of Howland & Aspinwall of New York. The matter comes before me in such a complicated form, that it would exhaust more time than I feel disposed to spare before writing you, besides it is unimportant now inasmuch as it becomes necessary before any thing can be done, to learn the *amount* and *true character* of Thompson & Formans claim. I am fully satisfied that the Agents of the State have

¹ This letter is not found in Letter-Books; probably the letter of July 11; see *post*, 308.

never regarded their claim as having the slightest foundation. If so why were they not allowed to participate in the Dividends of Wright & Co's estate as others in any way connected with the transaction, were allowed to do. However I approve your course in writing to Matheson & Co. to procure the claim, with the evidences on which it rests, and inform them that the State will recognise any proper amount due Foreman & Thompson, and adopt some means to adjust what is rightfully due, provided the Bonds are allowed *to remain* in the hands of *Howland & Aspinwall till this can be done* Let me know the substance of their answer when received.

Truly Yours

A. C. FRENCH

Julius Wadsworth Esqr
New York.

EXECUTIVE DEPARTMENT

CITY OF JEFFERSON MO.

June 30, 1849

TO HIS EXCELLENCY
GOVR. FRENCH

DEAR SIR: I have had presented to me today, a requisition from you setting forth that Benj. Sylman, Wesley Oaks &—Larimer, stand charged in the County of Alexander State of Illinois, with the crime of Kidnapping, & requiring that said individuals shall be arrested and delivered up to John G. Sparks who is authorized to receive them.—From the indictment which accompanies your requisition, I learn that the name of the individual kidnapped is "Wade," and I am left to infer that he was a colored man. I also find it charged that said Wade was removed to the State of Missouri. I learn from your messenger that the supposed refugees are in Cape Girardeau County Mo.—I cannot at this time cause a warrant to issue for their apprehension. The charge against them may have grown out of a right, asserted by some citizen of this State, to said man Wade as a slave. I am entirely ignorant of the circumstances, and your messenger appears to know nothing of the facts.—I stand ready at all times with great pleasure to comply with the Constitution and laws of the U. States, in reference to refuges [*sic*] from justice. But in this case I must withhold my warrant for arrest, until I can learn whether or not the rights of some citizen of this State may

not be involved in the matter. If it is in the power of your Excellency, I will be pleased if you can have the facts of this case furnished to me. In the meantime I shall take steps to know, through a friend in Cape Girardeau, if any circumstance transpired there about the month of April 1848 calculated to throw any light on the matter.

This information shall be sought in a way, that if these men are real Kidnappers, they shall know nothing of the transaction and shall ultimately be delivered up.

I take this occasion to express, on behalf of the people of Missouri, their utmost confidence in those now administering the government of Illinois. Yet on this exciting subject I cannot consent to act until I shall know all the circumstances connected with the case.

I have the Honor to be
very respectfully

Your Obt. Servt.

AUSTIN A. KING

Gov. A. C. French
Illinois.

EXECUTIVE DEPARTMENT, ILLINOIS
SPRINGFIELD, July 20, 1849

TO HIS EXCELLENCY
GOVERNOR KING

DEAR SIR: I have the Honor to acknowledge the receipt of your Excellencys Letter of the 30th ult. and should have replied to it at an earlier day but for other matters claiming my immediate attention.

I learn from your communication that upon my requisition you have resolved to withhold your warrant for the arrest of Sylman, Oaks & Larimer and their delivery to the messenger sent to receive & convey them to this State to answer a charge of Kidnapping preferred in an Indictment by the Grand Jury of Alexander County in this State, I also infer that no exception is taken to the sufficiency of the papers forwarded with the requisition or their authentication, as required in such cases. I am not so sure however that I fully understand the reasons upon which your Excellencys refusal to grant your warrant in this instance, is based, or the true ground upon which you claim the right

to institute an enquiry into the facts of the case which led to the finding of the Indictment, if the papers accompanying the requisition are in such form as to bring them within the Laws and Constitution of the United States. Notwithstanding this doubt and propriety under these circumstances of waiting until I shall hear further from your Excellency, I cannot omit expressing the belief that your Excellency could not have desired me to understand from your Letter, that in this instance you claim the right to enter upon an examination of the charge against these men in the State of Missouri, and that the issuing of your warrant will depend upon the guilt or innocence of these Fugitives as made to appear upon such examination, without reference to the Constitution and Laws of the General Government, if sustained, might result in the effectual restraint upon the State of Illinois from punishing crimes committed by her own citizens within her own territory, and afford criminals the means of evading successfully the criminal Laws of this State. The claim to such a right would inevitably become the subject of a controversy which would be coveted by the executive of neither State.

Placed side by side as are the States of Illinois and Missouri, with incalculable inducements to a continued good understanding between the citizens of each State and none for disagreement, it may not be without its use to look forward to the results of a controversy so closely related to a subject in which the latter feels so deep an interest, and which the former can have neither interest or disposition in any way to disturb.

Confiding in the belief that you will do what is just & right in the premises, I remain Your Excellencys

Obt. Servt.

A. C. FRENCH

SPRINGFIELD July 27, 1849

SIR: Enclosed I send you a communication which originally appeared in the Chicago Journal. I presume you are acquainted with many of those whose names appear at the bottom of it, and shall consequently make no further reference to them. This is but a sample of the letters which are constantly being addressed to me in proof of the utter unfitness of the man, supposed to have been so adroitly substituted for a Chief

Engineer, and thus removed beyond the power of the Executive, to discharge the duties of his office.

I can hardly expect to produce any impression upon the minds of the Trustees by any effort I might feel disposed to make, to correct abuses of this character, since the course taken by them in reference to Mr. Gooding. It becomes my duty however to invite your attention to these complaints, that if there exists any cause for them they may be removed. Unless something shall be done, and competent men be placed in charge of the work, I shall be compelled to adopt some course of proceedings by which the matter may be fairly and justly inquired into. This will be due not to the people of the State of Illinois only but the Bondholders. I have not addressed Mr. Leavitt upon this subject as I have no copy of the enclosed communication before me.

I am very respectfully Yours

AUG C. FRENCH

Capt. W. H. Swift
Washington City
D. C.

EXECUTIVE DEPARTMENT, ILLINOIS

SPRINGFIELD July, 30 1849

DEAR SIR: In my last letter I explained to you the reasons why it was not within my power to pay your claim against the State. In answer to this you called my attention to a variety of matters entirely new to me. I had never received any intimation from any one that you were at any time in the employ of the State. In a conversation with Col. Oakley, while repeating the expenses he had been at, he remarked that you had or were about writing to or visiting Col. Abert, with a view of aiding him in some of his wishes, which he probably repeated, and that he would probably pay you some thing for it. I heard no more of it afterwards, or had my attention called to it by any one or in any manner until I received your first letter. I do not mention this with any view of passing upon the justice of your claim. In this you may be all correct. But the Col. would not have been likely to mention the subject to me for the reason that I had nothing to do with it, could exercise no power either in the allowance or the rejection of the claim. All claims

arising directly or incidentally on account of Canal affairs are paid out of that Fund, which is absolutely under the control of the Trustees. All agencies and lawyers fees of this character have been paid in this manner, to the amount of thousands, as appears by their report, and I am never consulted about them in any particular. How the Col. could suppose the Legislature would provide the means to meet any of this class of claims I am at a loss to discover. He knew they never had and never would do it. I have no power to pay it, as you certainly ought to know, without a specific appropriation for the purpose and its allowance by the Auditor of State. I referred you to the Canal State Trustee, the Hon. J. B. Wells,¹ whose duty it is to receive these accounts and lay them before the board, and who, I have no doubt will endeavor to do what is right. Upon enquiry I find that Col. Oakley left no minute of your claim, among his papers in the hands of his Administrator, and from a careful examination of his letters to me while in New York and after his return I can find no reference to it, either direct or incidental.

I am very Respectfully Yours

AUG. C. FRENCH

John Hogan Esqr
Utica N. Y.

SPRINGFIELD Aug. 25, 1849

MY DEAR SIR: I have just received your letter of the 18th inst. I have consulted the Auditor, Mr. Campbell, who is also one of the School Commissioners, in regard to your proposition, and we have concluded to say to you that although we have no authority of law to accept your proposition, or in fact any proposition of the kind, yet we will in case you shall prove successful in realising an amount of the three percent fund due the State, and in arrear, in the manner you suggest, we will unite in urging the Legislature to make you a most liberal allowance for your trouble, dependent however, upon your success, which I have no doubt the Legislature will cheerfully sanction.

You requested our answer by Telegraph; the reason why it was not forwarded will become apparent from this. If you will undertake upon

¹ State trustee of Illinois and Michigan Canal.

these terms, answer "Yes" by Telegraph, and I will write forthwith to Mr. Butterfield¹ as you requested.

Truly Yours

AUG. C. FRENCH

Hon. R. M. Young

Sept 10th/49 by Telegraph was answered "Yes."²

R. M. YOUNG

EXECUTIVE DEPARTMENT

CITY OF JEFFERSON MO.

July 27, 1849

TO HIS EXCELLENCY
GOVERNOR FRENCH

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 20th Inst. in answer to mine of the 30th ult.

It is to be regretted if that good understanding, which has hitherto existed between the States of Illinois and Missouri should, in any manner, be disturbed, by my failing to comply with the requisition of your Excellency, in making the demand for Wesley Oaks, Benjamin Lyman and —Laramer, three citizens of the State of Missouri, charged with kidnapping one Wade in the State of Illinois. I am in the possession of facts, incontrovertible in their character, going to show that the man Wade, charged to have been kidnapped, was at the time and now is the property of one Bettis, and that those men only aided him, in the exercise of a clear constitutional right to seize and re-possess his slave, and no state has the power to make it a felony to do so. It is a positive, unqualified constitutional right. A right for the exercise of which, I will not consent, by any official act of mine, that a citizen of Missouri shall be taken in chains, as a criminal, to Illinois to be tried.

¹ Justin Butterfield: born in 1790, at Keene, New Hampshire; 1807, entered Williams College; 1812, licensed to practice law at Watertown, New York; 1814, married Miss Elizabeth Pierce of Schoharie, New York; practiced law in New York and New Orleans; 1835, settled in Chicago; 1841, appointed district attorney for Illinois by President Harrison; 1849, appointed commissioner of the General Land Office by President Taylor; a great believer in the Illinois and Michigan Canal; trustee of Rush Medical College; died in October, 1855 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *History of Cook County*, A. T. Andreas, Chicago, 1884).

² Many errors had been made in paying the 3 per cent school fund to the state by the United States Land Office. Mr. Young found upon investigation that there was yet due the state \$6,978.12 (*House Reports*, 1851, 488-89). For his services he received \$1,000 (*Laws of Illinois*, 1851, 163).

It is not my purpose to enter into an argument to show the ground on which I place this right. The State of Missouri is asking for nothing, but is called on, through her Executive, to surrender up three of her citizens, which, under the circumstances, I feel it my duty to refuse.

I have the Honor to be
very respectfully

AUSTIN A. KING

His Excellency.
Gov^r French.

EXECUTIVE DEPARTMENT, ILLINOIS

SPRINGFIELD, Aug. 28, 1849

TO HIS EXCELLENCY
THE GOVERNOR OF MISSOURI

I have the Honor to acknowledge the receipt of your Excellency's Letter of the 27th ult. in which you inform me of your refusal to order the arrest and surrender of Oaks, Lyman and Laramer, fugitives from justice from this State, upon my requisition heretofore handed you. The Letter of your Excellency disposes of the question arising out of this refusal in a very summary manner without intimating the reasons which led to the conclusions upon which your refusal rests. This may it is true, be the readiest way and the most convenient of putting an end to controversy in one form, but it is not quite so clear that it is always the most expedient. I learn however, from the closing paragraph of your Letter, that you do not feel called upon to furnish any argument in support of your refusal, because Missouri in this instance is asking nothing, but only requested through her Executive, to cause three of her citizens to be arrested and delivered up for Trial in the State of Illinois. I might imitate your Excellency's example by repeating that kidnapping had been carried to a disgraceful extent in this state, and that the Executive would do all in his power to arrest it; but a captious answer to your Excellency's Letter would be as unsuited to my taste or inclination, as it would be wanting in that respect which I feel to be due to the Governor of Missouri. Besides it would contribute little towards settling a question which can be properly determined only by reference to the Laws and Constitution of the U. States.

As your Excellency furnishes no argument to justify your refusal,

it may be thought necessary that I should furnish some reason for sending you my requisition at all. To the mere act of refusal I have nothing to say, it remains with your Excellency, but the reasons which are given to justify it, possess a deep interest not to this State only but every other, the State of Missouri included. The facts of this case are few and very plain. The persons your Excellency is requested to surrender up stand charged in the State of Illinois, in an indictment found by a Grand Jury in Alexander County in this State, with the crime of kidnapping. Copy of the Indictment properly authenticated was forwarded by a messenger together with a Requisition, upon your Excellency for their arrest and delivery of the persons charged, to said messenger to be brought to this State for trial upon the charge preferred in the Indictment. To the papers sent no exception is taken, therefore they are to be regarded as correct. In your answer you refuse to comply with the requisition substantially for the following reasons, 1st That upon enquiry, you have become satisfied that the person charged to have been kidnapped was a slave and that the persons charged in the Indictment with committing the crime had a right to seize him and with force and against the peace take him out of the State.

2. That the Law in Illinois which makes kidnapping a crime and applicable to this case is unconstitutional; and lastly, that you "will not" officially aid in sending citizens of Missouri to Illinois to be tried for such offences. I have no further answer to make to the last two conclusions of your Excellency than merely to say that while they may suggest appropriate matter of defence on the trial of the persons charged, they seem to me to afford no good ground for a refusal to comply with the requisition of the Executive of this State, and I will further add that it will probably be difficult to prove that the State of Illinois has not a clearly constitutional right in the management of her internal police, to punish a person criminally for not proceeding according to the Constitution and Laws of the United States, by which the public peace is broken and the quiet and tranquillity of the State disturbed. At any rate it can scarcely be expected that acts of this kind will be tolerated except in very clear cases. To the right which your Excellency claims of enquiring into the state of facts which go to make up the charge in the Indictment, and grant or withhold your warrant as their truth or falsehood may appear as the result of such enquiry is open to a much more serious objection. The Constitution of the United States declares

that “ a person *charged* in any State with treason, felony or other crime, who shall flee from justice and be found in another State, shall on demand of the Executive authority of the State from which he fled be delivered up and removed to the State having jurisdiction of the crime.” By an act of Congress approved Feby 12, 1793, it is made the duty of the Executive authority of any State or Territory to which any such person may have fled, to cause him or her to be delivered upon demand lawfully made by the Executive of the State from whence the person so charged may have fled—Such is the provision of the Constitution and Laws of the United States upon the subject. Any person who is *charged* with a crime and shall flee to another State shall be delivered up. It seems to be sufficient that he is charged with a crime, to make it binding upon the Executive of a State to surrender up the fugitive. It seems to follow that under the Law and Constitution of the U. States above referred to, that three things must be made to appear before your Excellency would be required to act. 1. That the requisition should emanate [*sic*] from the Executive of the State from which the fugitives fled. 2. A copy of the Indictment found charging the fugitives with having committed the crime. and 3. The copy must be certified as authentic by the Executive. This has been furnished your Excellency by a literal compliance with these requisitions.

It can scarcely be inferred from the Constitution and Laws of the U. States above referred to, that the Executive of Missouri would be justified, in instituting an inquiry into the facts of the charge in this instance—but rather that the requisition should have been complied with and the fugitives handed over to the proper person to be conveyed to Illinois for trial. As has been previously remarked the State of Illinois has a perfect right to make it an offence for any person forcibly and violently to take another out of the State thereby committing a breach of the peace, unless the Constitution and Laws of the United States are complied with. And while this State will hereafter as she has uniformly heretofore, cast no impediment in the way of the masters obtaining possession of his property legally and constitutionally, she will scarcely consent to allow the public peace to be broken in a manner justified by neither. To that portion of your Excellency's Letter in which you express so much repugnance to sending a citizen of Missouri “in chains” to be tried in Illinois, I have but a single remark to make, I have yet to learn that a citizen of Missouri would not be dealt with as fairly and

impartially by a jury of this State, as he would be entitled to or receive at the hands of a jury in the State over which your Excellency presides.

Believing your Excellency sincere in your desire that nothing shall occur to disturb the friendly relations existing between the two States, I trust it will not be improper to request your Excellency to give this subject further consideration.

I have the Honor to be

Very Respectfully, Your Obt. Servt.

AUG C. FRENCH

EXECUTIVE DEPARTMENT, ILLINOIS

SPRINGFIELD Sept. 20, 1849

Messrs.

Your letter of the 20th ult has been received. It may be proper that I should preface my answer by referring briefly to what has been done on the part of this State in relation to the Bonds in question. The State of Illinois has never recognised any other rightful holder of this peculiar class of her Bonds, than Macalister & Stebbins. Consequently all the restrictive Legislation in regard to them has proceeded from this fact, and it is not a long time since it has been ascertained here, that any portion of them were in other hands. The object of these laws was to confine them to the hands of Macalister & Stebbins by arresting their negotiability until a settlement by the State could be effected with them. The Law from which the extract in your letter is taken, is a supplement to another law based upon the same fact. The indisposition manifested by some of the holders of these bonds to present them with a view of carrying out the purpose of the law upon terms which appeared just, gave rise to this supplement. The object of this was undoubtedly to confine the surrender of these bonds, as a right, to Macalister & Stebbins and the arrangement so far as the State is concerned must be made through them or their agents.

I am very Respectfully,

Yours

A. C. FRENCH

Messrs. Tucker & Crops

N. Y.

CRAWFORD CO. Dec. 18. 1849

DR. SIR: Yours of the 28, ult.¹ is received by me here, where I am at present arranging my private affairs. I left Springfield immediately after the adjournment of the Legislature, and shall probably remain here a few weeks longer. The subject of a change in the Constitution relating to the 2 Mill Tax, was by me laid before the Assembly as talked over between us, and sanctioned by both branches of the General Assembly. So this subject will come up before the next General Assembly. I am inclined to believe it will ultimately carry.

I gave directions to Mr. Moore to forward a list of canceled [*sic*] Bonds and he will forward you a list of the canceled [*sic*] Certificates as you desire. Hereafter he will observe your suggestion in regard to embracing the latest Assignees' names, of the Bonds. The Bond on account of School Fund is also received No 2274, and in a word I think you have turned the small Fund I sent you on School Fund account, to most excellent purpose for the benefit of the Fund, which I shall not fail to make known at a proper time, to the People of the State. I shall probably have the amount due from the General Government for 1849, ready to send forward soon—or in a few months. At the same time with the above I received 4 Bonds transferred to me, which you inform me was done by Robbins & Sons for a Mr. Platt on account of some nameless person in Missouri. What I receive from your letter is all that ever reached me upon the subject of these Bonds. I shall probably learn something soon from the party interested, and shall hold them for such purpose.

I know nothing of the Bonds given up by Mr. Macalister to Col. Oakley,² but will hereafter enquire into the matter. Please make enquiry of Nevins & Townsend of how they obtained them from Col. Oakley, on what account &c, and let me know.

I wrote you that you could inform George Peabody Esq. of London, that provision had been made for paying his claim against the State, upon the surrender of the Bonds in his possession, placed there by the State Agents. Cannot Mr. Peabody send the Bonds to New York and draw upon you there subject to difference of Exchange. I want arrangements for paying his claim and taking up the Bonds, I believe 16 or 17 in number.

¹ *Post*, 312.

² See *post*, 313.

There will shortly be forwarded to you a draft for \$15,000,—out of this when matured, you will pay Peabody's claim, if the sum is not sooner forwarded to you, and the amount will be shortly replaced, upon the sale of Warrants here. The warrants are on the rise now and I prefer using the Fund above for a short time, to making an unnecessary sacrifice. Carry to Jany. 1850 Dividend enough to make the amount agreed upon, when I saw you, for that purpose.

I see no necessity of making any change on account of Macalister and Stebbins Bonds until after July, or until after July 1850. The balance after paying Peabody and filling the January Dividend, you will please inform me of amount, and I will give direction according to our understanding when you were here.

Truly Yours

AUG C. FRENCH

J. Wadsworth Esqr
N^o 65 Ex. Place
N. Y.

EXECUTIVE DEPARTMENT, ILLINOIS

SPRINGFIELD Jany. 31, 1850

DR. SIR: Yours of the 5th ult. reached me while absent from Springfield and when my health was such that I found it difficult to give it the early consideration desired. This may account for the delay of this answer. Upon the passage of the late law providing for a settlement by the State with Macalister & Stebbins, I supposed that the affair was placed in such a train for adjustment that the controversy would be closed without further delay and at an early day. As the Executive of the State I have felt and still feel, a strong and sincere disposition to do all that I can consistently with my duty, to effect a settlement under the law which shall be strictly just to all parties concerned. It is only reasonable that you should suppose that I had not been expecting the issue which you have seen fit to make, after all the preliminaries on my part had been taken, and the whole matter upon the eve of adjustment. And this the more especially, as this matter had been previously talked over between us waived upon your part, and no steps taken to bring it forward again, when it could have been made clear in the Law, until the very moment of a final adjustment. Resting my opinion of the mode of

making the settlement upon the plain reading of the Law, and what I understood to be the design of the members of the General Assembly, upon its passage, I so expressed myself in my conversation with you, and it is this which I have directed my agents to observe in the settlement, I very much doubt whether if you had put the question to the truly distinguished Lawyers whose opinions you have sent me, whether the manner of reckoning payments has not been peculiar to particular States, and whether the practice does not vary in different States and that such difference is recognised in all our courts both State and National, they would not have answered as decidedly in the affirmative, as they profess themselves satisfied in their opinion of the Laws of Pennsylvania and New York, upon which they were consulted in connection with a Law of this State. That there was some difficulty in making the Law conform to the commercial usage of those States owing to its peculiar phraseology is indicated from the opinion sent me, and the only process by which it seems to have been surmounted at last, was by taking it for granted that the Law was framed with reference to it. I consider the language employed in it as the proper interpreter of the true meaning of the Law in this State. But aside from what appears in the Law itself, it is well known that there are circumstances connected with the transaction between the State of Illinois & M. & S.¹ which give it other and different features from those which usually accompany an ordinary advance of cash and payments made upon it, according to the common course of commercial dealing. It will only be necessary to refer to a few of them to make this appear clear and distinguishable. The State of Illinois has invariably insisted upon treating this whole affair as one solely between it and M. & S. It has refused to recognise any other parties to it, and in its legislation has proceeded upon the presumption that the securities hypothecated to them upon their advance continued still in their possession and under their control. This fact must be taken in connection with the whole course of legislation upon the subject. Each act of the General Assembly has for its prominent object the repossession of the hypothecated Bonds by the State, and in turn place in their stead, New Bonds, which as expressed in the Law, shall cover their entire advance to the time of settlement or to the time of the surrender of the hypothecated Bonds, with 7 per cent interest upon the same. No possible doubt can exist that by the Law, upon the

¹ Macalister & Stebbins.

surrender of the Bonds, would be due in such new Bonds precisely the amount advanced by M. & S. with the 7 per cent upon the same during the time and no more. Whatever would contribute to produce any alteration in this amount or mode of accounting, as distinctly pointed out in the Law, would to that extent, effect a change in the legal terms and requisitions of settlement. The privilege given to M. & S. to return other Bonds in lieu of those they might fail to surrender up was for their convenience alone, and not designed to modify to any extent that which the law prescribes as the only basis of settlement. To present the reason of the Law and the relation of the parties at the time of its passage but few words are necessary, and may be stated as follows. The State of Illinois for causes which need not be here repeated, was dissatisfied with the original arrangement entered into with M. & S. and was led to regard the transaction as unfair towards the State, and by the passage of a Law sought to prevent the hypothecated Bonds from passing into other hands. This view of the transaction may account for the fact that all legislation referring to them, proceeds upon the presumption that the Bonds are in their hands and subject to their control. The State then says to M. & S. that it will substantially comply with the terms of the original contract by issuing Bonds in sufficient amount to embrace the principal advanced by them with 7 per cent per annum on the same, the interest accruing upon such Bonds to be punctually according to their legal force, provided the Bonds hypothecated are surrendered up. To this it is answered we are unable to surrender all the bonds, but we are willing to accept your offer so far as you state the amount of our claim against the State, provided you will allow us to deduct from the amount so specifically stated 26 cents upon each dollar for such of the Bonds as we may fail to deliver, from the time the State may have obtained possession of them, for it will be recollected that the Bonds taken up by the State did not come through M. & S. but had been previously parted by them and by the State purchased in the market, the larger proportion of which, as high as Forty cents to the Dollar. The State assents to this after distinctly stating the exact amount of M. & S.'s claim and what shall constitute it. It seems to me that it is as impossible to detect the least injustice in this mode of settlement, as it is to misconceive the intention of the General Assembly, or to adopt any other which would be just to the State taking all the circumstances into the account. If damages have resulted to M. & S. arising incidentally out of the original contract, it may be

made the subject of after legislative consideration, but cannot be made the subject of enquiry under the Law here referred to. I can therefore see no good reason for changing the directions I have given Messrs. Wadsworth & Sheldon, to govern them in making the settlement believing them strictly such as is contemplated by the Law.

I am very Respectfully Yours

AUG C. FRENCH

Charles Macalister Esq^r
Philadelphia
Penn.

SPRINGFIELD Feby 7, 1850¹

DR SIR: Your two letters of the 16th ult² are received. The one acknowledging a Draft for \$15,000, and the other devoted to various subjects. I note your remarks upon the progress of the settlement with Macalister & Stebbins. I see no objection to the receipt of the scrip identical with that supposed to have been received. The amount paid Michael Kennedy by the State with interest on it since that time and which appears upon the Funding list will determine itself to that extent. I have written to Col. Oakley's Adm. in reference to the 5 Bonds paid him by M. & S. and suggest to him to speak to Gov. Ford about it.³ It will probably be heard from soon, of which you will be forthwith informed. You will receive a copy of a letter addressed to M. & S. in answer to their account in which I decline to change or modify the directions I have given you in regard to the settlement with them. You will therefore adhere strictly to the directions I gave you when I saw you here, to govern you, in making the settlement. Mr. Moore will send you the Law referring to Peabody's claim. I will try and have the funds in New York to meet it by first of April, if not observe my directions in my last. I had supposed that the \$231.68 had gone forward, when I was absent, but learn it has not. It will be attended to.

Yours

A. C. FRENCH

J. Wadsworth
N. York.

¹ For reply see *post*, 319.

² For one of these letters see *post*, 314.

³ For Ford's reply see *post*, 222.

MAPLE WOOD, NEAR PALESTINE, ILL.

March 3d 1850

DEAR SIR: I am still here awaiting my return to Springfield, where I have been detained much longer than I had intended by the impassable state of the roads. I have just received your letter of the 12th ult.¹ inclosing Mr. Peabody's claim and Matheson's & Co. letter. I have just forwarded a letter to Springfield with directions to forward you five thousand dollars to pay said claim, any balance remaining to be retained in your hands. Also twelve hundred dollars to cover your salary for 1849, besides the two hundred and thirty or forty dollars heretofore advanced by you on my account, instead of the interest fund account. I am thus specific in stating these several items, that in case Mr. Campbell to whom I have entrusted the forwarding the money, shall forward a single draft embracing all these amounts, you will know how to appropriate it.

Truly Yours

AUG C. FRENCH

Julius Wadsworth Esqr
New York.

Copy of a Letter from Governor Ford

PEORIA April 17, 1850

HIS EXCELLENCY AUGUSTUS C. FRENCH
GOVERNOR OF ILLINOIS

DEAR SIR: I this day received your favor of the 15th inst. and hasten to make a short reply to it immediately. Some month or two since I received a few lines from Mr. Brower who is the administrator and also the Step Son of Col Oakley enclosing a few lines from Moore Secy fund com^r &^c making enquiries concerning the same matter to which your letter relates. Mr. Brower requested an early answer which I neglected to send on account of severe and long continued sickness which caused me to neglect many other matters as well as this.

I now state to you that I never heard of the transaction to which your letter relates until I received Mr. Brower's letter. My strong

¹ *Post*, 317.

impression is that I never gave Col. Oakley any authority to receive bonds for the State whatever. If I ever did, it can be found on record or some letter in possession of his family. If he ever delivered these 5 bonds¹ to me, his family ought to be able to show a receipt for them. The truth is he never did deliver these bonds to me, and if I ever did know any thing about these 5 bonds, the matter had so completely faded from my recollection that when I received Mr. Brower's letter it seemed to me to be entirely a new thing. However it is not safe for one to depend on his memory about transactions which were so multifarious as those committed to my charge as Governor. But whatever authority Col. Oakley had, if any, must be in writing. Upon the whole I am inclined to be on Mr. Brower's opinion, as he was the step son of Col. Oakley, as I understand he was, he was likely to have heard something on the subject. I have not his letter now before me but he states in substance that his understanding is that Col. Oakley received these bonds as pay for "doing something about the Legislature." If this is not the true version, and it seems that the family do not hesitate to avow it, then the fact is clear in my mind, that Col. Oakley after receiving these bonds, (whether with or without authority,) took upon himself the power of selling them again. It seems to me that you ought to be able to find out in New York who put them in market again. I will be glad if the result of your enquiries shall justify Col. Oakley.

In common with all our friends I desire to express to you my feelings of sorrow and regret for the early death of Genl. Cooly late Secretary of State; and allow me also to state how much I am gratified by the appointment of Mr. Gregg, as his successor in office.

If you should learn any more of this Col. Oakley affair, and I should be then alive you would oblige me very much by letting me know about it.

I have been confined to my house and most of the time to bed for more than three weeks, during that time I have done no kind of business except to fill up a deed and write this letter. I cannot say that I am entirely satisfied with what I have written you, but I am too weak to write it over and perhaps I may not be able to-morrow to answer you at all.

I am respectfully

Your Obt. Servt.

THOMAS FORD

¹ See *post*, 313.

PEKIN April 17th 1850

HIS EXCELLENCY

AUG C. FRENCH

DR SIR: Sometime since I received a letter from Mr. Moore in relation to Five Bonds asking information &c. I wrote to Gov. Ford on the subject and have not received an answer, but learn from Capt. Kennedy that the Gov. is too unwell to attend to any business or correspondence, and says he does not recollect any thing in relation to these Bonds. But in Mess. Macalisters a/c current with my late Father I noticed (if not *much* mistaken) they gave him five Bonds for services done for them at the Legislature, these may have been the Bonds you speak of. At first leisure moment I will look over the papers (a trunk full) and send you a copy of this account.

With sentiments of much respect

I remain Your Obt. Servt.

P. A. BROWER

Extract of a letter from Genl J. D. Whiteside touching the substance of the following letter—

WHITESIDES STATION May 8th 1850

I received a letter from you some two weeks since upon the subject of our account with Messrs. Thompson & Forman. I can state there was nothing due them for the Iron we had received. They were however anxious to furnish all the Iron that they contracted to the State or else they would look to us for damages and upon that suggestion I waited upon a gentleman from Pennsylvania then in London (Sampson Tams) who was acting as agent for a Railroad Company in the purchase of Iron, and ascertained that I could dispose of the Iron. After that I had another interview with Thompson & Forman, and referred them to a stipulation in their contract which required them upon a contingency then existing, to receive Illinois Bonds, which they declined to do, and there the conference ended, leaving them no rights or dues from Illinois, either in *law* or *equity*—Had they been willing to have fulfilled their agreement upon the receipt of Bonds as stipulated, I would have made it a profitable contract for the State, by the purchase of Bonds with the money received for the Iron.

(Signed)

JOHN D. WHITESIDE

SPRINGFIELD May 19, 1850¹

DEAR SIR: Since I wrote you to enquire further in relation to the nature of the claim of Thompson & Forman to lien upon the Bonds in the hands of the assignees of Jno. Wright & Co. some facts have come to my knowledge which may have some bearing upon the question of final adjustment. That Thompson & Forman have been paid in full for every pound of Railroad material furnished by them to the State of Illinois under the contract can be made clear and unquestionable by the most conclusive evidence. And the only ground upon which it is possible to make any claim, arises upon a question of damages only, for an omission on the part of the State to receive iron which they never furnished. The agent of the State of Illinois offered to receive the whole amount of Iron contracted for and give them bonds in exact accordance with the stipulations, as seen in their contract, which they refused to comply with. If they had gone on and completed their contract the iron &c would have been received and resold, as per a conditional contract with another purchaser. These are facts which must have a controlling influence with me in the final settlement of the matter. If they can show damage for default of contract on the part of Illinois, I will exert myself to have them remunerated—but not through a pretended lien upon Bonds which is utterly groundless. If this matter can be placed upon just footing the State will do strict justice. If not I shall take occasion to lay the whole matter before the General Assembly, with such suggestions and recommendations as I think the groundless nature of this claim, in this form, deserves—You can suggest this new matter to the Agents of Messrs. Thompson & Forman in New York, whose knowledge will at once enable them to see the justice of what is here said.

Truly Yours

AUG C. FRENCH

Julius Wadsworth Esqr
New York.

¹ For answer see *post*, 329.

EXECUTIVE DEPARTMENT

SPRINGFIELD June 3d 1850¹

DR. SIR: I have just received your Letter of the 22nd ult.² referring to me a question of doubt which seems to have arisen between yourself and Mr. Macalister in the settlement of the controversy between Macalister & Stebbins and the State of Illinois, I have also received a letter from Mr. Macalister relating to the same matter.³ It is surely unfortunate to the parties concerned and much to be regretted that at every step which has been taken to close this matter of difference, a new difficulty should start up. I have supposed that among the strongest inducements which the State had, to pass a Law, such as that under which you are acting, authorising the issue of what ought to be regarded as a par stock for her entire indebtedness to M. & S. thereby greatly preferring them to any class of her other creditors, was the desire to have the whole affair effectually and finally closed. The Law tenders them what she has not done in any other case, that is if they will cause to be surrendered specified hypothecated stock originally placed in their hands, that it shall be replaced with promptly paying interest Bonds covering the Original advance with interest upon it. This seems as just and fair as can well be expected by the parties in interest. I will now consider briefly that provision of the 2nd Sec. of the Law out of which the difference between you arises. It was obviously the design of the Law to aid M. & S. as far as practicable, in extricating themselves from liabilities incidentally connected with the transaction, by preserving the Law heretofore enacted, against a specified class of Bonds, in force, and keeping also in view the one prominent object, a final settlement of the whole matter, so far as the State could be interested. It is provided then, that a certain number of Bonds based upon the formal statement of M. & S. shall be held subject to the order of those holding hypothecated Bonds, who at a specified rate shall be allowed to receive upon the surrender of hypothecated Bonds a certain number of liquidation Bonds so retained for a specified time, and in all cases where the holders of such hypothecated Stock or Bonds refused or neglected to comply with the Law within a limited time the Bonds so set apart should then be returned to M. & S. who should have the privilege of exchanging

¹ For answer see *post*, 331.

² See *post*, 327.

³ For Macalister's letter see *post*, 325.

other than the specified Bonds for those so held for other parties. I can see no cause for doubt or misapprehension in regard to the meaning of the second Section, or any want of harmony between it and other material provisions in other sections. Upon a very careful comparison, I find the Law as printed, to be a literal transcript from the original furnished by Mr. Macalister to Gen^l Cooly who laid the same with my recommendation of its passage before the Finance Committee. In the progress of the settlement the whole affair seems to be tending to the very point I saw it approaching when the suggestion was first made to persuade the State to recognise the creditors of Messrs. M. & S. as her own, instead of having to do with her own proper creditors. As I have remarked in a previous communication the State can only recognise her own creditors in this transaction, and in doing this she has doubly preferred them to others. She has continued the legal ban upon the interest Bonds and given M. & S. besides the full advantages of all inferences to be drawn from the present Law, to aid them in effecting a settlement with their other creditors. It really seems to me that it is asking rather too much of the State to release M. & S. and take their creditors exclusively in hand and open a new controversy with a score of interested parties instead of one, and probably for the next quarter of a century upon the ground of repudiation or its equivalent. It is possible that if M. & S. shall surrender the full balance of hypothecated Stock after leaving out the 176 Bonds and waiting without intimating any difference of opinion, that those holding the hypothecated may yet generally come in.

I have no objection upon the payment of all such balance by M. & S. that time shall be allowed to see what effect it may have upon the parties.

I am very Respectfully Yours

AUG C. FRENCH

J. Wadsworth Esq^r
N. Y.

SPRINGFIELD June 5, 1850

DR. SIR: Enclosed I shall send you by to morrow's mail a Treasury Warrant drawn upon the assistant Treasurer New York for \$11,607,78. Out of this sum you will take \$65,15 and an amount exactly sufficient to cover the balance of School Fund in your hands which is a few dollars.

These two you will deduct from the Draft and carry to my private account. The balance of the Draft will be held by you to purchase interest paying Bonds for the School Fund subject to the following directions. If you do not receive a draft from me to meet the interest on \$150,000, the amount I have been notified as issued of liquidation Bonds before the 1st of July, which allowing for \$900, which will come from the interest fund, leaving necessary to meet it in full \$3,600—you will take this last amount for this purpose and apply it to the interest. You can carry then at once the balance to the credit of the School Fund, except as above, and let the balance so held in reserve rest until 1st July or until you receive the Draft I design to forward to meet the liquidation Bond interest. You can use your discretion in purchasing Bonds for the School Fund with the means in your hands. If it becomes necessary to use the \$3,600, for interest, the amount will be soon forwarded to supply its place in the proper School Fund account. The amount due me as above arises out of advances by me here on exchange on Draft on St Louis, and the purchase of a small lot of Scrip for said Fund last year. To arrange as requested above balances the account in the proper Department here.

Truly Yours

AUG C. FRENCH

J. Wadsworth Esq^r
New York

SPRINGFIELD June 10, 1850

DR SIR: Upon a reexamination of the account as stated and forwarded to me of the condition of the account between Macalister & Stebbins and the State of Illinois, I have thought it proper to call your attention to the Law which requires that no liquidation Bond can issue in any case except upon the actual surrender of such amount of the specified indebtedness as shall bear the same relation to the amount of such liquidation Bond, as the actual amount found due to Macalister & Stebbins shall bear to the whole amount of outstanding hypothecated securities required to be surrendered up. The execution of the Law rests entirely upon the observance of this rule both as respects the issue of the above named Bonds and the surrender therefor of the hypothecated securities.

It is most likely that a draft for the \$3600 to meet the interest on the liquidation Bonds will reach you previous to the 1st of July.

Yours

AUG C. FRENCH

J. Wadsworth Esq^r
N. York

EXECUTIVE DEPARTMENT

SPRINGFIELD, June 27, 1850

DR SIR: In your Letter of the 18th¹ inst you say you expect to go to England soon, and in such case are willing to take charge of any matter relating to the unsettled claims of Thompson & Forman. I find it difficult even impossible under all the circumstances, to give any satisfactory directions in regard to any specific final settlement of the matter, as their claim which has been presented under the affirmation of Mr. Forman one of the firm, presents a state of facts so very different from which it has been generally regarded here by myself and General Assembly, I am very anxious to have the accounts between them and the State closed however, and the Legislature will be equally solicitous with myself. But there is very little prospect of an amicable adjustment of the affair while the attempt is making by Messrs. Thompson & Forman to sustain a lien upon the Bonds which were placed in the hands of Messrs. Magniac Jardine & Co. It looks very much like suspecting the good faith of the State or endeavoring to cast obstacles in the way of adjustment by raising embarrassments upon pretended liens, which I suppose no Lawyer in his senses would honestly pretend could possibly be sustained. I am at a loss fully to understand the motive which could prevail at this time, to lead to the assertion of this lien. The State is ready at any time to settle with Messrs. Thompson & Forman and fully secure them in any just sum which may be found due them, but this end will hardly be promoted by any pretended lien which only increases instead of removing the difficulty of settlement. I will refer also to an intimation in Mr. Forman's affidavit of a claim for the damages in case the State neglects to receive other iron not yet delivered. As it respects this, I am assured by the Illinois Commissioner, Gen^l White-side that when in England, he offered to receive any residue of iron due under the contract from them, and comply with our contract in regard

¹ This letter was not found in the Letter-Books.

to it, as he then had a chance to dispose of it to a purchaser of like articles, but that they refused to furnish it. If this were so, it is not difficult to see that this claim to damage rests upon the same footing with the lien. Without descending into the minutia of the account it may be sufficient to state generally, that we understand the first shipments of iron amounting to some £10,000, to have been fully paid by Jno. Wright & Co. and that for all subsequent shipments Wright & Co. placed in the hands of Thompson & Forman 52 Bonds of £225 each which fully covered their shipments under the contract entered into between Wright & Co the Commissioners and Thompson & Forman: These Bonds they now hold as their only security for this last advance of iron &c. The only questions which can arise or be properly connected with the matter are simply these 1st. How do they hold the 52 Bonds, and what the State ought in justice to do under the contract? 2d. Whether the State should take up the Bonds and advance the whole amount due, or such balance reckoning the Bonds at their market value, or 3d. Whether the Bonds under the contract were and of right ought to be taken and regarded as full payment. Now to insure a ready settlement Messrs. Thompson & Forman should relinquish their pretend[ed] lien upon the Bonds sent over by Magniac Jardine & Co. and which were allowed to go into their hands under a decree of the English Court, and without opposition permit them to be given up without controversy. Then *authorise* an agent with full power to agree upon the terms of final settlement, having reference to the above enumerated suggestions, and whatever terms may be agreed upon between myself and such agent I will lay before the Legislature with a recommendation of their adoption which will undoubtedly be sanctioned. Unless something of this kind can be done it will become necessary for me to spread before the Legislature the facts with the grounds upon which the lien is based, that some legislative action may be had to effectually protect the State against the Bonds in the hands of Magniac, Jardine & Co. You will see from the foregoing that I can authorise no settlement upon any definite principle with what I have before me.

I would be pleased if while in London you would call upon Messrs. Thompson & Forman, express to them my views herein, and the propriety of appointing an agent in New York with full powers of settlement, as well as the preliminary withdrawal of all claim to lien and consent to the surrender of the bonds up to the State. I have no doubt in this case that a satisfactory arrangement of the matter can be made,

without this it is extremely doubtful if an approach can be made to settlement.

This Letter may serve either for Mr. Dyer or yourself as directions in any communication you may feel free to make Messrs. Thompson & Forman while you are in London touching this matter.

I am Very Respectfully

Yours

A. C FRENCH

J. Wadsworth Esqr
New York

SPRINGFIELD Aug 9th, 1850

DR. SIR: Your Letter of the 18th June did not reach me for some cause until within the last few days which may account for any seeming delay, and besides I am at present so busily engaged that I cannot give it as full an answer as I could wish. In fact we seem to differ so widely in our construction put upon the Statute which has been the cause of so much controversy, that a lengthened correspondence would seem to promise no good result. If it were possible for me to adopt your construction I should certainly give directions to have the matter forthwith settled accordingly, but really I cannot see how from the reading of the Statute you can come to the conclusion you support. They seem to me to make the Statute inconsistent with itself, besides defeating its obvious object. Without quoting from the act which by this time we tolerably well understand, it may be sufficient to refer to it in general terms, when we can see whether its provisions and obvious purpose harmonise. Its first provisions contemplate the entire surrender of specified securities, after crediting the State a specific sum for those already redeemed. The surrender of the hypothecated securities by subsequent provisions is made exclusively subject to your order and direction, and whether amounts due to other parties are sworn to or not is immaterial as no issue can be made to any party without your sanction or order. Now we approach the point in issue which is the relation which every Bond issued by the State under your order and towards the settlement of your claim must in all cases sustain at the time to the amount actually surrendered to the agent of the State as the consideration of the issue of such Bond. The Statute requires that when sums of even \$20,000 are surrendered the State may issue, but it is expressly required that the

amount issued shall bear the same relation to the amount so surrendered as the actual amount due sustains to the entire amount of hypothecated Stocks. How then can the law be complied with either literally or in its plain meaning if a greater amount shall be issued by the State upon the surrendered bonds than the whole amount due you bears to the amount of outstanding Bonds. And to comply with your views, would not such manifestly be the case? The interest on the new issue has been paid promptly, and this will be continued to be promptly done, if there is a chance that the Bonds will ever come forward it seems to me this is a sufficient inducement. You speak of repudiation and the studious reserve of the State to avoid this charge. It is very difficult for me to perceive a clearer case of repudiation than would be effected by complying with the construction you give the Statute. It seems to me that every effort to close the matter between yourself and the State but complicates the difficulty by creating new embarrassments. The State offers upon surrender of her bonds to furnish prompt interest paying Stock worth par, for the advance made her with 7 per cent interest on the same, which seems to be fair, and as I have often previously remarked if you have been damaged I have no doubt the State will willingly rectify it upon a full representation of the matter, but I very much doubt if it will be arranged according to your construction of the Statute. I regret it sincerely, for after a careful and critical examination of the Bill with the chairman of the Finance Committee, I felt gratified that at last there seemed a prospect of settlement. Instead of this however, the points of difference are wider than before. Hoping there may yet a way open for the settlement,

I am very respectfully Yours

AUG C. FRENCH

Cha^s Macalister,
Philadelphia.

SPRINGFIELD Aug. 24, 1850

DR SIR: The present is I believe the first time all the School Commissioners for Illinois have been present and so much at leisure as to give the subject of your last communication their joint consideration.

We have considered the matter well and conclude that we have no power to pay any specific sum for services rendered by you without the previous sanction of Law.

We prefer therefore to let the subject of your compensation rest as we at first advised you, that if you succeeded in procuring back arrearages of the School Fund due the State we would unite in urging the Legislature to allow you adequate compensation, which as you have secured \$7,000 we shall most cheerfully do.

We are very Respectfully

Dear Sir, Your Obt. Servts.

AUG C. FRENCH	} School ³ Commrs. for Illinois
DAVID L. GREGG ¹	
THOS H. CAMPBELL ²	

Hon R. M. Young
Washington
D. C.

SPRINGFIELD Octo 3, 1850⁴

Messrs.

It will be recollected that W. H. W. Cushman⁵ of Ottawa in this State had funded for Mr. Joshua Sears Bond No 2012, and among the Scrip surrendered for this Bond is one for \$148 87/100 which is spurious.

¹ David L. Gregg: emigrated from Albany, New York, to (Juliet) Joliet, where he practiced law; 1839, edited *Juliet Courier*; 1842-46, representative in General Assembly; removed to Chicago where he served as United States district attorney; 1847, member of Constitutional Convention; April 2, 1850-January 10, 1852, secretary of state; 1852, unsuccessful candidate for Democratic nomination for governor; 1852, Democratic presidential elector; 1853, appointed commissioner for Sandwich Islands; for a time minister of King Kamehamaha; receiver of public money at Carson City, Nevada; died December 23, 1868, at Carson City (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

² Thomas H. Campbell: born May 21, 1815, in Pennsylvania; came to Randolph County, Illinois, in his youth; moved to Perry County; 1842-46, chief clerk in auditor's office; March 26, 1846-January 7, 1847, auditor by appointment; January 7, 1847-January 12, 1857, auditor by election of General Assembly; selected to adjust accounts growing out of the Civil War, between Illinois and the United States; died November 22, 1862, at Springfield (*History of Sangamon County*, Inter-State Publishing Company, 1881; *Blue Book of Illinois*, 1905).

³ The school commissioners held their positions *ex officio*; the commission was composed of the governor, auditor of public accounts, and the secretary of state.

⁴ For answer to this letter see *post*, 356.

⁵ W. H. W. Cushman: born May 13, 1813, at Freetown, Massachusetts; educated at the American Literary, Scientific and Military Academy, Norwich, Vermont; 1831, began mercantile career at Middlebury; 1842-46, representative in General Assembly; September 23, 1861-September 3, 1862 colonel of Fifty-third Regiment Illinois Volunteer Infantry; interested in the Bank of Ottawa, afterward the First National, the Gas Company of Ottawa; one of the builders of the Chicago, Paducah, and Southwestern Railroad; crippled financially by the Chicago fire; died October 28, 1878, at Ottawa (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*; *Adjutant-General's Reports*).

I enclose it to you as Mr. Cushman refuses to exchange it. No interest will be paid upon the Bond No 2012 until the Scrip is replaced by good Scrip, and if Mr. Sears refuses to replace it by good Scrip, you will charge the amount of Scrip to him upon the Leger [*sic*] that it shall stand to the credit of the State against the Bond for future time. I suppose however Mr. Sears will rectify it. I mentioned this Scrip to Mr. Wadsworth when here and we supposed Mr. Cushman would be gentleman enough to have it corrected, but it does not prove to be so. I wish this then exchanged by Mr. Sears who I believe lives in Boston, if he will not exchange it charge it to him so that the State shall hereafter have full benefit of the Credit.

Truly Yours

AUG C. FRENCH

Messrs Wadsworth & Sheldon
New York.

SPRINGFIELD NOV. 1st 1850

HON. S. BREESE

DR SIR: I returned last evening after some three or four weeks absence attending to my private affairs and found your two letters, awaiting my arrival. This may account for any seeming neglect on my part in not giving them prompt attention. I also found two letters on my table from Mr. Holbrook relating to the same matter with yours.

With the very short consideration I have been able to give the request, from the limited time at my disposal since my return, I am inclined to think it will be far better to allow the whole matter to remain until the meeting of the General Assembly. It seems to me that the matter can be acted on much freer from difficulties before than after a commencement of the work—besides, the matter should be in no way embarrassed so that the State would not remain with full liberty to make the best terms for herself which the present condition of her affairs will justify. I will however give the matter further consideration.

I find similar difficulties in the way of a called session, which by hurrying the issue forward would leave too short a time for the collection of such information as might prove useful and eventually for the interests of the State,—I will further consider it.

Your Friend

AUG C. FRENCH

SPRINGFIELD NOV 1, 1850

DEAR SIR: I arrived home last evening, after some weeks absence, and found your letters of the 27th Sept. and 8th Oct. ult. upon my table. This may account to you for the delay of this answer to both. I have not yet seen Judge Douglass¹ to whom you refer me for a more full detail of what you propose as a suitable arrangement between the Cairo Co. and the State of Illinois, and which you suppose will be satisfactory to the State. In the absence then of any information of the designs of the Company or what the conditions are which you consider just to the State, it only remains for me to refer in this answer to your application to commence the construction of the road at its Southern terminus. It will now be but about two months before the Legislature will convene and before which, any arrangement concerning the donation must be brought for consideration. Any attempt at commencement of the Company previous to that time might be regarded as premature and serve to embarrass the final action of the Legislature. Under these circumstances and with your two letters only before me, I do not feel justified in acting in the matter, but prefer leaving the entire subject in the hands of the General Assembly.

I am very Respectfully Yours

AUG C. FRENCH

D. B. Holbrook Esqr
N. Y.

¹ Stephen A. Douglas (almost always spelled Douglass at that time): born April 23, 1813, at Brandon, Vermont: educational advantages limited; learned trade of cabinet maker; 1830, removed to Ontario County, New York; 1832, began studying law; 1833, started west; taught school at Winchester, Illinois; studied law at night; March, 1834, admitted to the bar; 1835, elected prosecuting attorney of Morgan County; 1836-38, representative in General Assembly; 1837-39, registrar of Land Office, Springfield; 1838, unsuccessful candidate for Congress; November 30, 1840-February 27, 1841, secretary of state; February 15, 1841-June 28, 1843, judge of Supreme Court of Illinois; 1843-47, member of Congress; 1847-61, United States senator; 1852-56, candidate for Democratic nomination for president; 1858, debated with Lincoln; 1860, nominated by Baltimore Convention for the presidency; 1860, defeated by Mr. Lincoln; supported Lincoln's Union policy; died June 3, 1861; at a cost of \$100,000, the state has erected in his memory a statue in Woodland Park, Chicago (*Blue Book of Illinois*, 1905; Johnson, *Stephen A. Douglas*).

EXECUTIVE DEPARTMENT

SPRINGFIELD April 10th 1851¹

Messrs

Enclosed herewith I send you Mr. Dyer's² Draft for \$24,000, which you will divide and apply as follows, Thirty-six hundred dollars you will apply to Jany. instalment on Liquidation Bonds for Jany. 1851. Ten hundred and eighty five dollars and ninety one cents, to balance of your account against the State for salary, contingent expenses &c. The residue of \$19,314.09 you will apply to July instalment of interest for July 1851. Please receipt accordingly.

Truly Yours

AUG C. FRENCH

Messrs. Wadsworth & Sheldon
New York

SPRINGFIELD, ILL. April 12, 1851

MESSRS. WADSWORTH & SHELDON
NEW YORK

DEAR SIR: Pursuant to the directions of His Excellency Gov. French, I send enclosed herewith the receipt of Thos Dyer Esqr of Chicago for \$20,000—With an explanatory endorsement on the back of said receipt, stating that there had been advanced to Mr. Dyer only \$18,500, being what the Governor had on hand at the time.

The money when received by you is to be applied to the payment of interest, July dividend 1851.

Your Obt. Servt

E. MOORE³

SPRINGFIELD May 19, 1851

DR SIR: You may purchase the \$4,000 in New Int. Imp. Stock and have them transferred into the name of "the Governor of the State of Illinois" as I before advised you. When purchased you can send them enclosed to me. Upon the transfer or proper book you will enter

¹ For answer see *post*, 382.² Thomas Dyer, receiver of public money at Chicago.³ Secretary of Fund Commissioners.

the following under the bonds, viz "The above bond or bonds (as the case may be) are transferred to the Governor of the State of Illinois in trust for some person whose name is unknown, and which was not furnished at the time of the transfer or made known to the agent of the State. The bonds are deposited by the Governor in the Treasury of the State of Illinois to await the proper proof of the identity of the owner before the Governor and Treasurer of the State of Illinois."

The amount of the school fund is very small, only about \$4000. It is so small that I shall not send it forward as there are bonds sufficient here to exhaust it all, or only that portion will go forward sufficient to meet the balance due you for over advance in behalf of the school fund.

Truly Yours

AUG C. FRENCH

Julius Wadsworth Esq^r
New York.

SPRINGFIELD May 20, 1851

DR. SIR: Enclosed I transmit you herewith a list of the numbers of the Bonds presented at the Treasury and upon each of which there was paid on the 1st day of January 1851, the sum of \$704. This I presume will be sufficient for your purpose.

I have thought best to give you special directions in regard to Bonds No———You will not enter up any dividend to the credit of these bonds upon the proper Book or take any note of the dividend paid upon them, but enter up upon the proper book simply as follows, viz; "The above bonds were purchased by the Governor, for the School Fund of Illinois and canceled" I have thought it more proper to adopt this course, because it is possible that no one will claim the Dividend, and as it does not belong to me, I have previously advised you to purchase 4 bonds, which will be paid for out of the Dividend to replace these bonds which stood in my name. I shall then turn the residue of the dividend into the School Fund upon the books here, and out of the School fund proper, I shall purchase the balance of the bonds deducting the dividend, file them with the newly purchased Bonds with the School Fund bonds which have been purchased and are deposited in the Treasury. You will therefore take no further note of the matter than I have above indicated—

As it will continue a doubtful Fund, and no dividend of future

interest be made on it until it may be claimed, they will be entered as I have directed, canceled, and no further note of them will be taken hereafter, unless the true owner shall appear when the evidence of identity will be required to be made at the Treasury office here. You will therefore take no further note of the bonds herein numbered than simply to enter up under them what I have before set down for the purpose.

The whole state of facts will be minuted in the Treasurers office here.

Truly Yours

AUG C. FRENCH

Julius Wadsworth Esq^r
New York.

SPRINGFIELD May 26, 1851

DR. SIR: You will issue of interest Bonds to Mr. Ridgely \$14,195,47. This will exclude the \$4,538,79 which cannot be properly reckoned in, and bonds issued therefor. This latter sum cannot under the funding Law be put in bond, clearly, and must consequently be set aside.

Truly Yours

AUG C. FRENCH

Julius Wadsworth
New York.

EXECUTIVE DEPARTMENT

STATE OF ILLINOIS

Sept. 1st 1851

TO THE PRESIDENT OF THE UNITED STATES

SIR: It may be proper for me to state, that the Lands granted by the Congress of the United States, to, and accepted by, the State to aid in the constructions of long lines of Rail Road in the State of Illinois, has passed into the hands of a Company, under an arrangement with the State, to comply with the terms of the grant. I have very recently been informed by the President of the Company, Robert Schuyler Esq. of New York, that it becomes important to procure a further extension of the time of the reservation of the lands along said lines, from sale. If it will add any force to the representations made to you by the agents of said Company, for this purpose, I can cheerfully and confidently

bear witness that since the action of our State Legislature, by which the Company became interested, the work of examination and survey has been pushed forward with a zeal and energy which I do not think could have been surpassed. I therefore indulge the hope that you will consider it compatible with your public duty, to extend the time of the reservation of the sales of land along said lines of road or wherever changes may be required by the Company, for a short period longer, to enable it to complete the surveys and make selections of their Lands.

I am with respect and

Esteem Very Respectfully Yours

AUG C. FRENCH

EXECUTIVE DEPARTMENT

SPRINGFIELD Sept. 1, 1851

DR. SIR:¹ I have the honor to acknowledge the receipt of your Letter of the — inst. In reference to the employment of assistants to aid you in your survey and the portion of time they can be profitably employed in aiding you to carry out the purpose of the survey, much must rest with you. Whether one or two shall be employed to aid you, as well as the portions of the year, which they may be employed, the Board is willing shall be determined by you. The members of the Board,² are, as may readily be supposed, but little familiar with the character of the labor required in the survey, and the analysis of specimens, and will only in a general way take notice of the expense, and the general progress of the work, leaving the arrangement of the details to yourself. The appointment of either Mr. Varner or Mr. Worthin³ or both will be entirely satisfactory to the Board if they can be employed to advantage and are qualified. The Board only desires that the work of survey and preparation shall be pushed forward with as much zeal

¹ Dr. J. G. Norwood, state geologist.

² The board was *ex officio*, consisting of the governor, auditor, and treasurer of the state (*Laws of Illinois*, 1851, 154).

³ Amos Henry Worthen (Worthin): born October 31, 1813, at Bradford, Vermont; 1834, emigrated to Kentucky; 1836, removed to Warsaw, Illinois; 1836-42, taught school, surveyed land, and kept a store; 1842-44, lived in Boston, Illinois; 1851-58, assistant geologist in Illinois and Iowa; March 22, 1858—March 6, 1888, state geologist of Illinois; died March 6, 1888. Professor Worthin was curator of the Natural History Museum, author of several valuable scientific papers, and member of numerous scientific societies in this country and Europe (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *Blue Book of Illinois*, 1905).

and energy, as the means at its disposal will allow. With a view to make the correspondence between us as simple as can well be, you will continue to address your communications to me, at the request of the Board.

I am Very Truly Yours

AUG C. FRENCH

SPRINGFIELD NOV. 26, 1851

Messrs.

In order to meet the interest upon the Macalister & Stebbins Bonds, I have concluded to give the following directions. The amount due upon these Bonds, \$253,358.79, on the first of January 1852, is \$7,600. The proportionate Dividend upon them will be \$1,773.50, leaving to be provided for \$5,826.50. To meet this balance you will take from previous instalments as follows—From the third Instalment \$500, from the seventh \$1500, from the 8th \$500, from the 9th \$2,000, from the 10th \$1,326.50, making the sum of \$5,826.50, to be applied to interest due on these Bonds. The residue of interest will go forward in a very few days, so soon as I can notify Mr. Dyer.

Very Truly Yours

AUG C. FRENCH

Messrs. Wadsworth & Sheldon
New York.

EXECUTIVE DEPARTMENT

MY DEAR SIR: I have received your letter in which you call my attention to the propriety of making a further and stronger effort to procure from the General Government the same per cent upon the sales of Government Lands, for Land Warrants, within this State, as when sold for cash. I have all along insisted upon this as being nothing more than what is strictly just to the State, and obviously within the spirit of the compact under which we come into the Union. I have strong doubts if this will be admitted by the Government. Still I would not willingly neglect to use all reasonable exertions to procure it. You judge rightly in supposing I have no authority to employ agents to forward this claim. If however you will undertake it, and succeed, I will

recommend to the Legislature to make you such an allowance as shall satisfy you for your trouble in full. I would not feel at liberty to offer any other terms in the absence of all authority to do so.

Truly Your Friend

AUG C. FRENCH

EXECUTIVE DEPARTMENT, ILLINOIS

SPRINGFIELD, Jany 15th 1852

TO HIS EXCELLENCY

THE GOVERNOR OF MISSOURI

SIR: I have had transmitted to me in answer to my Requisition upon your Excellency, dated July 19 1851, for the delivery up [of] Messrs. Chardy, Boyer & Marcan, fugitives from justice from this State, charged with the crime of kidnapping, a letter addressed to my agent, of which the following is a copy.

"CITY OF JEFFERSON MO. Dec. 4, 1851

"SIR: I am directed by the Governor to say that he cannot consistently with his views of his duty, comply with the Requisition of his Excellency the Governor of Illinois for the surrender of Messrs. Chardy, Boyer & Marcan.

"Very Respt. your obt. Servt.

"E. B. EWING Sec. of State.

"Mr. St Vrain."

It will be observed that this note is addressed to the messenger sent by me with said requisition—that it affords me no clue to the reasons of your Excellency's refusal to comply with my requisition. Will your Excellency be pleased to inform the reasons of your refusal, that if it be from any defect in the papers sent, it may be supplied, or if for other causes, that I may have the [opportunity] of satisfying your Excellency in the matter.

I am very Respectfully

Your Obdt Servt

AUG C. FRENCH

EXECUTIVE DEPARTMENT,

SPRINGFIELD, ILLINOIS,

January 15, 1852

DEAR SIR: I have the honor to acknowledge the receipt of your Letter of the 16th ult. and should have returned you an answer at an earlier day, but have been prevented by ill health. And here allow me to say in order to avoid any misconception on your part in regard to the relation I occupy as a public officer, to the subject matter of your Letter. I have no more to do with the two mill tax to which you refer, either in the dividend or in the distribution, than yourself or any other disinterested person. To regulate and control these is, by the Constitution and Laws of this State placed exclusively under the direction of the Auditor and Treasurer of State, the former officer performing similar duties in this respect, as the Comptroller of the State of New York. Either or both of these officers could probably furnish you more satisfactory reasons for the manner in which they discharge their duties, than I shall be able to do. Yet, while I am precluded by Law from exerting any influence or agency over their duties, I am not the less sensible, as a State officer, to the discharge of their duties according to the Constitution and Laws. Had the Messrs. Barings applied to me for any explanation on account of what appeared strange or unaccountable to them in any transaction in which they had or felt an interest in fully understanding, instead of solely relying upon casual informants and thereupon grounded their charge of bad faith on the part of the State, I should with great cheerfulness have furnished them the most ample [information] in my power. No creditor of the State or agent of such creditor, can address me a Letter of inquiry upon a subject in which the creditor may have an interest, without receiving an answer. The two mill Tax to which you refer me by means of an extract from the Messrs. Barings Letter, is a special Tax, levied and collected under a distinct provision of our State Constitution, and not by temporary Laws as is the case with all our other taxes. The Constitution and consequently this provision, which makes a part of it, was voted upon and adopted by the People in April 1848, and from that time has been in force in this State. The provision to which I refer, requires that two mills shall be levied and collected upon every dollar's worth of Taxable Property in the State, deposited and set aside in the Treasury from other Revenue, and on the first day of January each year shall be divided pro rata upon all Bonds

presented at the Treasury for that purpose (School and Canal Bonds excepted) and the Law requires that the Auditor shall direct and the Treasurer pay out accordingly. In this way it was designed to provide a kind of sinking fund which should operate to this extent, to the gradual discharge of a special class of the State indebtedness, for which no extraordinary means was already provided, as in the case of the Canal Debt. Under this provision, in this way, and for this purpose, the proper officers apply the two mill Tax. So soon as the Constitution was adopted with this provision, and which is nearly four years since, I caused a copy of it to be sent to the Messrs. Barings, and many others, that they might be fully informed of the Letter and spirit of its provisions. If my memory does not mislead me I also invited their attention to it by a special communication which I addressed to them. I also caused this provision to be published in the New York papers with such comments as could hardly fail to make it understood. It was also sent to the State Agencies in this Country and Europe. The knowledge of it was extended as far as seemed to me practicable to do so. What more was necessary to have been done? or could reasonably be expected? I had caused the most ample notice to be given, practicable, to those who had an interest in being informed of it, and you may well suppose it was not without surprise that I heard the complaint now made of want of notice or information. And who is ignorant of this provision of the Constitution? I do not learn from your Letter or that of the Messrs. Barings, that either of you were unacquainted with it or that you have not had all the time which you could possibly ask for, since you knew the fact, to present at the Treasury of this State any number of Bonds you might desire. It might very reasonably be asked where is the cause of complaint, even if there were cause for those having no knowledge of the existence of the Constitution, it would seem more appropriate for these to make, than those having no cause. I take the secret of the matter to be this, it is generally considered that the amount to be divided is so small that large capitalists will not send forward their large amount of Bonds, as the sum they might receive by way of dividend would not be a sufficient inducement to make them fractional. In this respect the provision operates contrary to the wishes of our People, and steps have already been taken to effect a change in the Constitution and I hope the present years dividend will be the last which will be made, and thereby cut off the just complaint, that it gives an advantage to the small holder of Bonds over the larger holder. The amount of Bonds pre-

sented at the Treasury in January, the present month, only amounted to about \$670,000, perhaps a little over. If you had sent forward the Bonds you refer to, and those of Messrs. King & Son, and Goodhue & Co. had also come in, the dividend would have amounted to the merest fraction. It is in this respect that I have said it does not operate as desired by the People, and hence the attempt now making to effect a change in the Constitution, and place all holders of Bonds upon a more satisfactory equality.

I am very Respectfully Yours

AUG C. FRENCH

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS,

Feby 17th 1852

TO HIS EXCELLENCY

THE GOVERNOR OF MISSOURI

SIR: I have received your Excellency's answer to my Letter of a previous date, in which I refer to your refusal to surrender up, upon my Requisition, Messrs. Clardy, Marcan, and Boyer, fugitives from justice from this State, and who stand charged with the crime of Kidnapping. I infer from your Excellency's answer that no exception is taken to the papers forwarded with my Requisition, either as to their proper authentication, or if the Indictment were supported by proof of the facts therein charged, the persons would not be guilty of the crime alledged [*sic*]. But if I understand what is required by your Excellency in order to entitle my Requisition to a favorable consideration, it is, that the facts to be proved to sustain the Indictment, shall likewise be laid before you. This unusual requirement in all cases of like character, under the Constitution and Laws of the United States, is calculated to create some surprise, and cannot fail if adopted to lead to novel and unexpected embarrassments. If your Excellency insists upon having all the facts which may prove the crime to have been committed, as well as the charge itself, laid before you in all cases, and I can see no reason for an exception in favor of one case which would not be good for another, to be judged of before your Warrant is allowed to issue, it seems to me that the constitution and Laws of the United States regulating such cases will answer a less purpose there than has generally been supposed. I am not aware, as your Excellency has not informed me,

by what title the person charged to have been Kidnapped is claimed to be held by any citizen of Missouri, but I take occasion to assure your Excellency that I am satisfied from the most unquestionable evidence, that the person charged to have been Kidnapped is not a slave—That no person can lay claim to him as such upon any plausible grounds whatever. Charles Bartelle, the person charged to have been kidnapped, was Born in the State of Illinois since the *Ordinance* [*sic*] of 1787 was made applicable to the “North Western Territory.” He is what is usually in this State denominated a “French Negro,” whose ancestors came to this State from Canada, with the early “French Settlers.” He is consequently free by virtue of the Ordinance [*sic*] of 1787, free by the Constitution of this State, and by the decisions of our highest courts, and the courts of neighboring States. I know of no claim which can be set up to the services of this person as a slave, which might not be made with equal propriety against any citizen of Missouri or Illinois.

While as the Executive of this State I shall be ever ready to comply with the requirements of the Constitution and Laws of the United States, by furnishing all necessary facilities for restoring Slaves to their owners, it equally becomes my duty to insist that it shall not be made a cover to shield persons from the crime of Kidnapping to reduce free men to Slavery.

I am Very Respectfully

Your Excellency's Obt. Sevt.

AUG C. FRENCH

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS, Apr. 10th 1852

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ult. in which you make mention of certain Bonds, issued by the State of Illinois, which are in possession of the Institution over which you preside. It is not necessary for me to enter into any explanation of the manner in which these bonds were parted with by the State, or went into your hands. This is as familiar to you as myself. It is sufficient to say that from the first the State has recognized Messrs. Macalister & Stebbins as the only party in the transaction with it. Various laws have been enacted by the Legislature of this State with a view to bring about a just settlement. A leading feature in each has been that upon the surrender of the Bonds hypothecated the State would

issue her Bonds, interest payable half yearly, for all due them, reckoning interest upon the advance at 7 per cent. A provision was inserted in the law of 1851 allowing all those who might hold any of this class of Bonds, that is of those hypothecated to Macalister & Stebbins, and who contributed any portion of the funds received of them by the State, to make affidavit of the sum advanced, and by surrendering up the hypothecated Bonds they should receive the State Bonds covering their advance with seven per cent interest upon such advance to the time of liquidation. The sum to be issued in Bonds by the State to bear the relation of the amount received originally from them with 7 per cent interest, to the amount hypothecated, allowing to the State at the rate of 26 cents to the dollar for all such Bonds as it may have already taken up. The greater number of the holders of these bonds came forward, made affidavit of their actual advance, and have received their Liquidation Bonds, the interest on which has been promptly paid according to the terms of the Bond. Other parties holding about \$80,000, in Bonds out of the original \$913,000, have neglected or refused to take advantage of the Law. The Bowery Fire Insurance Company could have surrendered the Bonds held by it upon the same condition as others, and if a larger compensation was desired the resort could be made to Macalister & Stebbins. While in New York in 1847, I had a conversation with some of the officers of this Institution, and perhaps you were of the number, in which I explained fully the view the State took of the matter, and what I was disposed to do. Nothing was done however and no approach to a settlement made, and I left with the impression that the Institution insisted upon such terms as the State was under no obligation to accept. The law relating to this matter will be found with Messrs. Wadsworth & Sheldon, the State Agents in New York. Although the affair had been considered as closed, in as much as those holding the 80 Bonds refused to come in, yet if the Company wishes to avail itself of the provisions of the law, I will give the necessary directions to the Agent. I observe that you nowhere mention in your letter the amount which your Company originally advanced, and consequently I have no means of detecting the error you refer to, in case such error exists.

I am very Respectfully Yours

AUG C. FRENCH

I will mention further that I am anxious that the whole matter shall be finally closed, and shall neglect no opportunity of aiding in this matter, to the full extent, under the law referred to.

SPRINGFIELD ILLS. March 8, 1853

HIS EXCELLENCY

JOEL A. MATTESON GOVR. &C

DR SIR: I am a citizen of Hardin County in this State, and have been engaged for the last ten years in endeavoring to prove the value of the Lead veins passing through that section of country, have spent much labor and some twenty thousand dollars, the limit of my means, without accomplishing the desirable object, having misunderstood the character of our veins in the early part of our operations, much money was lost by the improper course we pursued in mining. About five years ago important changes were made, since when I have been operating with the necessary fixtures to carry on the business properly until some time in the Spring of 1851, when I was compelled to stop for the want of means, since which nothing has been done to forward the work, keeping however in order all my fixtures Engine, Pumps, Furnace &c &c and ready for immediate use.

Information of the character of our veins is given by our State Geologist Dr. Norwood, and I think his opinions are favorable if a sufficient amount of money can be obtained to carry out the enterprise. May I therefore ask the favor of you to permit or instruct Dr. Norwood to furnish me with his opinion in the form of a special report in his official capacity, to aid me, if favorable, to obtain a sufficient amount of money to prove the veins to be either rich or poor—

No private speculation is sought for or can be made by a grant of this Report, my whole object is to carry out the work which has been commenced.

Your early attention to this matter will greatly oblige

Your Obdt. Servt.

JAS. T. BARBOUR

SPRINGFIELD April 12, 1853

J. G. NORWOOD²

STATE GEOLOGIST

We have a letter before us from J. T. Barbour³ of Hardin County, who represents that he has expended some twenty thousand dollars

¹ These two letters are the only part of Governor Matteson's correspondence contained in this series of Letter-Books.

² Dr. Norwood was the first state geologist, serving from July 21, 1851—March 22, 1858.

³ This letter is the result of a request made by Mr. Barbour upon Governor Matteson (Executive Letter-Book, Vol. VI, MSS).

in examination and machinery for raising lead in said County, that he has expended all of his fortune in the attempt, but without sufficient success to give a guarantee to capitalists that it would be safe to aid him more in the way of funds, relying upon the avails to repay the amount so loaned.

Mr. Barbour has asked us to permit you to make a full Geological Survey of his premises and make out an official report and give to him that he might, if favorable, obtain means to prosecute the enterprise to a favorable conclusion. We are disposed to favor Mr. Barbour's views in this particular and therefore request that at such time as might be convenient for you to do so, and after you are fully satisfied of your position in the matter you may make out the true position of his lead mine and give it to him as official from State Geologist.

Yours Respectfully

J. A. MATTESON

REGISTER OF OFFICIAL LETTERS
VOLUME VI

CHAPTER IV
LETTERS OF WADSWORTH AND SHELDON TO
GOVERNOR FRENCH, 1847-1853

NEW YORK March 22nd 1847

TO HIS EXCELLENCY
GOVR AUGUSTUS C. FRENCH
SPRINGFIELD ILLINOIS

DEAR SIR: By letters recently received from several of my friends in Illinois I learn that it has been proposed that I should be appointed agent for the State of Illinois for refunding the State Debt, and the payment of Interest hereafter accruing. Such appointment would be highly gratifying to me as well as desirable and would be esteemed as a compliment on the part of the State through its Executive to my integrity and capacity which I trust would not be misplaced and would be duly appreciated and acknowledged. I have been for the past ten years a citizen of Illinois, and identified in interest and feeling with the citizens and State, and whilst I retain a large pecuniary interest in the State, notwithstanding I have left the State as a residence, I trust I have lost none of the interest I have heretofore felt in her general welfare and prosperity, and I shall be happy to contribute in any way to further the interests and raise the credit of the State which those who control her affairs may deem wise and judicious. I have examined the bill recently passed by the Legislature and fully approve of the measure and object which it contemplates and will on your arrival here render you any aid which you may desire. Our office convenient to Wall Street is very desirable for the purpose. And as I shall change my present office on the first of May, I would have reference to this object in the selection of another could I but receive an instruction from you that you would desire my aid and would occupy my office for the purpose. If I do not hear from you I shall endeavor in selecting my location to make it with as much reference to this as is consistent with other business. I understand you will soon be in New York and shall on your arrival here be happy to meet you. I am living at the Astor House and you may perhaps be as well accommodated at that House as any other. The office of Gay & Wadsworth is No 53 South Street.

I beg leave to suggest that it would be well for you before leaving Springfield to provide yourself with exact transcripts of the Register of these Bonds the different classes, numbers, and names of the agents who negotiated them, and all other records that may be useful in taking up and canceling those bonds, also for the purpose of detecting counterfeits, procure if possible Fac Similes of the Signatures of the Governors and agents who signed them, and such other papers or memorandums as may in your opinion appear useful or necessary. You will undoubtedly have already furnished yourself with all these documents, but I have suggested them thinking there might be something overlooked which might delay your plans after you arrived here. Mr. Leavitt informs me that Capt. Swift and himself will leave for Chicago about the middle of April and will return as soon as they can complete the business there, probably by the middle of May. He wished to meet you here as he is desirous of having his accounts of payments of interest audited and settled. I understand Col. Oakley will also soon be in New York perhaps not however until Mr. Leavitt & Swift return.

I have the honor to be, very respectfully

Your Obt. Servt.

JULIUS WADSWORTH

NEW YORK June 3d 1847

TO HIS EXCELCEY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: Since you left New York there has no event of stirring interest transpired other than what our friend Col. Oakley has advised you and such as reach you through the public press. I am happy to find that the impression made by you whilst here is very favorable to yourself and to the interests and prospects of the State. In fact your course and policy in relation to the financial affairs of the State have inspired new confidence in the integrity and ability of the State and her citizens, and can not fail, I believe, to place Illinois once more, and at no far distant period, on an equal footing with the first States in the Union. I regard Illinois as one of the first States in the Union in point of lands and capacity for cultivation, and nothing can in my opinion prevent her becoming one of the first in point of wealth. With such advantages and such prospects the citizens of Illinois cannot long remain

unable to discharge fully and honorably the liabilities which have for the last few years been a blight upon her prospects and her fair fame. That there is a proper spirit existing amongst the influential men of the State there is no doubt, and that the great mass of the inhabitants of the State are actuated by honorable and high minded sentiments is, I believe equally true. All these circumstances are sufficient with just and economical administration of affairs to guarantee an early issue out of all the troubles and embarrassments which they have heretofore labored under.

I have not yet entered upon the examination of the accounts of Mr. Leavitt, but it has been deferred partly at his suggestion until after the arrival of the English Steamer which has arrived at Boston to day, in order to allow him to pay interest on any bonds that might be sent by this Steamer. I will in a few days attend to the matter.

I spoke with you when you were here on the subject of making some examination into several claims of the State against some of the Banks in this State which are indebted to the State for Bonds purchased, and which Banks have gone into liquidation. There are also some claims against individuals. It appears to me that it might be well to make some effort to recover something on these debts, and should it prove unavailing the State will have the satisfaction of having learned the fact that nothing could be recovered and the affair may forever after be considered as disposed of. I believe however if proper effort should be made that something might be recovered, and the movement cannot be made too soon.

If you are disposed to give me the necessary authority to collect and finally settle these matters I will attempt it. If so it will be necessary for you to give me complete authority to demand of the former attorneys or agents of the State such papers as may be in their possession relative to these matters also to demand, receive and receipt for, and settle in full the several claims.

I shall want all the records and minutes in possession of the State relative to each matter, as a basis of my efforts.

If this shall meet your views I would like to have you give the matter as early attention as possible, as I would like to devote some portion of this month & forepart of next to it. I will soon attend to getting up three books suitable for record books in the transfer and exchange of bonds. I remain dear sir with high consideration.

Your very Obdt. Svt.

JULIUS WADSWORTH

NEW YORK, June 26th 1847

TO HIS EXCELCY AUG. C. FRENCH
GOVERNOR &c
· SPRINGFIELD

DEAR SIR: You may be surprised at not having heard from me before this relative to the account of David Leavitt, Esq. Agent of the State for the payment of Interest. I advised you however in a former letter of one reason of delay¹ and after the time then designated I soon commenced the examination and found it to be much more of a job than I had anticipated. I have had two active men employed for the most part of two weeks in drawing off and comparing the numbers and vouchers, and have now the satisfaction of advising you that the same is complete and the account current of Mr. Leavitt with a full statement of the payments and vouchers accompanying is ready for delivery to you. I have attached my certificates to the statements and account current, showing in detail the amount of money paid out by Mr. Leavitt and in separate amounts as paid upon the several classes of the Bonds of the State—also showing the balances in his hands on a/c of interest payable in July 1846, and January 1847. I will accompany the account and other papers with a report of the examination and such particulars as may be requisite.

I expect to leave for Chicago on the 28th inst, and hope to have the pleasure of meeting you there and will at that time hand you all the papers relating to the matter. I hand you herewith two letters that have come into my hands for you, and beg that you accept assurances of high consideration from

Your Obdt Servt.

JULIUS WADSWORTH

NEW YORK August 3d 1847

TO AUGUSTUS C. FRENCH
GOVERNOR &c

DEAR SIR: I arrived in this City from the west a few days since, and found your favor of the 30th June² and am now in rect. of your esteemed favor of the 27 Ulto.²

¹ *Ante*, 252.

² This letter is not found in the Letter-Books.

I am about getting up some books for the purpose of recording the exchange of Bonds and have examined the Books of the Indiana Agency. I think however that their books are larger and embrace a greater amount of matter than is necessary for the exchange to be made for Illinois. The form we require is I think quite simple.

I have had the Law passed by the last Legislature; published in the Journal of Commerce, the Express, and Evening Mirror. I thought it best to advertise in the two last named papers, as a little such patronage will secure the good favor of the publishers, which will be well in carrying out this arrangement.

I was not a little surprised this morning to find the article which I herewith hand you, in the Morning Express, and do not exactly know where such information was found by the Editor. I have certainly never given such information to any one, and can only surmise that some intimation may have dropped from the man by whom I sent the circular and Law to the publisher. I do not know as it is a matter of great moment, but regret that such notice should have been made especially as I am not aware that any appointment has been made as yet.

In reference to the subject of your letter of 27 ulto I am sorry not to be able to furnish you with more definite answers [*sic*] in consequence of the absence from the City of some parties whose views I would be most disposed to adopt. I learn however from the inquiry I have made as well as from my own observation that it is customary to pay detached coupons having the proper date number and signatures and I learn that it is not an unusual thing for holders of Bonds to sell the coupons and detach them, even before they become due.

In reply to your second inquiry "Whether you would be compelled to receive Bonds without all the unpaid coupons attached," I can only say that I have not obtained any satisfactory opinion on the subject. I have not from the nature of the subject been able to present it in a very tangible manner for the opinion of any one whose views I would be disposed to give full weight to, but I am inclined to think that holders of Bonds would think themselves entitled to an exchange even without the Coupons for the unpaid instalments. I have however from an examination of the Law adopted a different opinion. In Sec. 2 it is provided that Certificates shall be issued *at the time of making the exchange* for the interest in arrears. I cannot therefore see that you would be authorised to receive a Bond and issue a Certificate for the

same without at the same time having all the Coupons which have become due surrendered and granting certificates therefor. This may not be a correct view, and I have no doubt there will be a diversity of opinion on the subject, but if you will examine the bonds and the coupons you will see the great liability and hazard in pursuing a different course. If I can get the views of some other parties experienced in these matters within a few days I will write you further on the subject.

I remain dear Sir

Your Most Obedt. Svt.

JULIUS WADSWORTH.

NEW YORK October 21st 1847

TO HIS EXCELLENCY AUGUSTUS C. FRENCH
SPRINGFIELD ILLINOIS

DEAR SIR: I have delayed writing for the reason that nothing has transpired since you left which I have considered particularly worthy of your notice. The exchange of Bonds has progressed slowly since your departure and up to this time we have issued but 1004 Principal Bonds and 454 Interest Bonds. I think the prevailing impression when you left was that the business would be discontinued and in consequence but few have been brought in. I have thought of giving notice further but have not done so for the reason that you thought not best to do so. Col. Oakley mentioned to one of the Editors that the exchange was still made by me and suggested that he make some notice of it but no such notice has appeared. None of the Sterling Bonds have been offered but Messrs. Howland & Aspinwall are ready to exchange what they have as soon as I can get the Blank Bonds. I sent by Col. Oakley the two books of Blank Bonds, to be forwarded to you as soon as practicable, and I hope they will be executed and returned with as little delay as possible, as I consider it advisable to be prepared whilst parties are inclined and before any thing shall occur to cause them to alter their minds. I think a considerable amount of Sterling Bonds may be expected by the next two or three Steamers. Col. Oakley left on Tuesday evening the 19th inst. and Mr. Leavitt and Captain Swift left the day previous for Chicago.

You will probably be informed by Col. Oakley that they had rather a stormy meeting on the 18th. What it may result in I cannot predict,

but Col. Oakley told me when he left that he should make an effort to have Mr. Leavitt disconnected as far as possible from the affairs of Illinois and should get a petition signed by the prominent men of Illinois to have Mr. Leavitt removed from the agency for the payment of Interest and have me appointed in his place.¹ I wish to say in relation to this that I shall be extremely happy to have this Agency conferred upon me and should you in your judgment deem such a course wise I shall feel under many obligations.

The entire agency is very desirable and can be attended to by an agent with trifling if any additional expense, and such plan as you might think best to operate as a check could be adopted. So far as security to the State is concerned I believe I could satisfy all parties that my personal character and other security which I could give would place it in as secure a position as any that might be adopted. I do not desire to urge Mr. Leavitts removal or my appointment, but it appears to me that for the payment of Interest on the New Issue of Stock, a system should be adopted which shall be permanent and prevent any confusion hereafter. And I do not think Mr. Leavitt will adopt such a plan.

I still think as I before remarked to you that it would be wise to refuse payment on all Coupons not attached to bonds, and this should be understood early, otherwise parties will keep back many of the Coupons. I hand you herewith numbers of Bonds surrendered and canceled since you left. Also receipts for subscription to "Democratic Review" "Weekly Herald" and "Courier & Enquirer." And remain with sentiments of high regard

Your Very Obt. Servt.

JULIUS WADSWORTH

NEW YORK, Novr. 23d 1847

HON AUGUSTUS C. FRENCH Governor &
SPRINGFIELD

DEAR SIR: I last had this pleasure on the 21st Oct.² since which I am without any of your esteemed favors. I have been for some days expecting the Blank Bonds which you took out with you to sign and

¹ Mr. Leavitt was also one of the trustees of the Illinois and Michigan Canal, elected by the subscribers to the new loan of \$1,600,000.

² This letter is not found in the Letter-Books.

return. Several parties have recently inquired when I should be ready to exchange Sterling Bonds.

There are also parties holding Scrip in sums not now sufficient to get two new bonds who will expect me to give them New Bonds for the amount of principal when the interest on the same amounts to over \$500. This is I presume proper and will meet with your approbation. I think it will agree with the requirements of the Law.

Bonds continue to come in slowly but there are several large lots now held here which I think will be presented soon. The parties seem inclined to delay a little. I will report to you as frequently as appears proper the numbers of Bonds surrendered, and herewith hand you statement of bonds surrendered from Octo. 19th to Nov. 13th this statement having been prepared at the last date but I have delayed sending hoping to get some communication from you. I will have another statement made out on 1st Decr. I have got the Stock Ledger all posted up and every thing is ready for transfers as soon as you send the transfer Bonds. A number of persons are waiting to have transfers made, until I shall receive those bonds from you. I will write again on receipt of advices from you, and remain dear Sir

Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK December 2d 1847

HON. AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: Your much esteemed favor of 11th November came to hand on the 27th and your several favors of the 18th, 19th, & 20th Novem. were received on the 30th Nov. and their contents are all duly noted.¹ I have made no mention of the Macalister & Stebbins matter for the reason that nothing whatever has occurred in relation thereto. I will agreeably to your request have a transcript of the Register of old Bonds surrendered embracing all the necessary facts to make a complete Record to file in the proper department in Springfield. This will be the labor of some days, and cannot be commenced immediately as I shall have to procure some paper ruled in proper form. It shall however be accomplished as early as possible and transmitted to you. You

None of these letters are found in the Letter-Books.

do not mention that you desired a similar transcript of the Scrip Register. I presume however you will require it, and I shall prepare paper and after completing the Bond register will go on with the Scrip register and send as soon as it is completed. You must of course be aware that all this will require considerable labor and require some time.

In relation to the two Swords¹ spoken of in your letter of 18th I have made inquiry and find that such swords are manufactured by Mess. Ball, Tompkins & Black of this City. I have examined two swords made by them to be presented, one to Genl. Wool, the other to Genl. Worth, the former at a cost of \$800. the latter \$400. It is not probable that so expensive swords would be desired for the object you refer to, but something in proportion to Rank. The Manufacturers however inform me that they cannot get up any thing less than about \$250- & I presume swords at this cost would be considered suitable: I will if you desire procure those swords or aid you in such manner as may suit your convenience. The inscriptions it would be necessary for you to furnish.

In relation to your remarks in your letter of 19th ult. respecting the amount of money received from Mr. Leavitt, I have looked into the matter and find we received \$1558. of this amount \$50. was taken to pay us (G&W)² Money lent you a few days previously and \$100. was given to you in Bank Bills at the time you gave us Mr. Leavitts check, this left \$1408. which we credited the State and furnished you the account of items to balance. I presume upon reflection you will remember the circumstance. I remember well sending to Bank to get small bills at the time we gave you the \$100. The lost Bond 2449 of Alexander Brand & Co has had our observation for some weeks. Mr. Brand having written us on the subject. I am anxiously looking for the Blank Bonds to issue for the Sterling, and odd amounts of Scrip, also the transfer Blanks. I hope there will be as little delay as possible in sending them as there are parties waiting to make the exchange.

On the subject referred to in your letter of 20th Nov. I have only to say that whatever you desire can probably be done, but it will make an irregularity in our Books which I would gladly avoid and errors or misunderstandings in making entries may arise which will produce confusion. It undoubtedly would be very convenient for some parties

¹ These swords were for Lieutenants John Pope and Mason Scarritt (*Senate Journal*, 1847, 26). For biographical sketch see *post*, 270.

² Gay & Wadsworth, 53 South Street, New York City.

thus to have the exchange made them and it would be desirable to accommodate them. I think however it may be done with out adopting the plan you suggest. For instance let the parties thus surrender their Bonds or Scrip to be canceled by you and you cause a record of the same to be sent to me to be entered upon the Books the same as if the Bonds or Scrip had been surrendered here. I would then issue the Bonds for the amounts in principal and interest as stated by you and enclose them by mail to you or to the parties themselves as directed, this would enable us here to enter the Bonds &c complete and in direct continuation of entries and issue the bonds consecutively without omitting some numbers as suggested by you which might by some mistake cause a discrepancy which would appear to all time and might be difficult to explain. The course you speak of can be adopted if you think it necessary I take however the liberty of omitting to send the Blank Interest Bonds until I hear from you hoping you may either adopt my plan or give up entirely the plan of taking in the old Bonds & Scrip there. I am extremely desirous of having this business all done properly and that there may by no means appear duplicate numbers or a single number omitted from No. 1 to the Whole No.

In reference to a change in the Interest paying agency I would only say that I shall be extremely glad to have the two agencies united in some way as it can be done better and with less labor in the hands of one agent. After the first of January I have made arrangements for another partner a Mr. James O. Sheldon a highly respectable & worthy young man, the firm will be Wadsworth & Sheldon. Why I speak of this is that if you think some check necessary you might make Wadsworth & Sheldon the Transfer Agents and myself the Interest paying agent. This would enable me as Interest Agent to check all transfers and probably answer all practical purposes. You might if you prefer appoint James O. Sheldon Transfer Agent but I think if you appoint Wadsworth & Sheldon it would answer the required purpose. Would it not be well for you to send on a commission as transfer Agent, and then if you make me interest paying agent, send on the commission for that?

If the change in the interest agency is made I would like it to be done as early as possible in order to get the Books in complete readiness before paying any interest. True the payment might be deferred for a few days after the 1st of January but it would be well to have every thing in readiness as soon as practicable. Should you make any remittances

of money to pay interest everything shall have my best care and most prompt attention.

Bonds are not coming in very freely for exchange and parties are deferring for the reason that there is plenty of time, there is however in my opinion no doubt that before the time expires most of the Bonds will be surrendered. Should interest only be paid on the New Bonds after January this would cause parties to bring them in so that they might get the instalments of interest as they are paid. You may think it advisable to adopt that plan after the January payment. I suggest[ed] when you was here that it would be well and perhaps indispensable that you direct the interest paying agent to pay interest on Coupons only when they accompany the Bonds to which they belong as otherwise parties having made the exchange for New Bonds and not surrendered the whole of the Coupons might draw interest on the old Coupons & on the New Bonds. I presume you have already seen the force of this and will take the necessary precautions to guard against such occurrences.

I am Dear Sir with Sentiments of Much regard

Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK December 9, 1847

HIS EXCELLENCY AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I wrote you on the 2nd inst.¹ and have not since that date any of your favors to answer. I hand you herewith the numbers of the several classes of Bonds which have been surrendered up on the 1st inst. I am now engaged in making an entire transcript of the Register of Bonds and Scrip surrendered and will after it is completed forward the same to you. It will occupy some days in preparing & when completed will furnish an exact record of every thing done. This will extend to 1st December, and I will furnish you hereafter at stated times with transcripts of the Records in my office. Unless Bonds come in more freely I presume Monthly will be sufficiently often to furnish returns.

Frequent inquiries are being made relative to the next payment of interest, particularly as to the New issue. Also as to the probable

¹ *Ante*, 258.

amount of the payment. The first of January is near at hand and I hope arrangements will be made to have interest paid with as much promptness as possible on the New Stock, as a failure to do so will tend to discredit the New issue. Things now seem to indicate that the Old Bonds will soon begin to come in pretty freely, and I have no doubt such will be the case as soon as money matters improve & the price advances. I am looking anxiously for the Blank Bonds to arrive for transfers &c

Very Respectfully, I remain

Your Obedt Svt.

JULIUS WADSWORTH

NEW YORK December 13th 1847

HIS EXCELLENCY AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: I duly received your valued favor of 25th Nov.¹ acknowledging receipt of a letter from me "Enclosed with an Italian Gentlemans plan of a Lottery &c." I must confess myself entirely ignorant of the Italian Gentlemans plan your letter being the first intimation I ever had respecting it. I presume there must be some mistake in the matter which ere this you may have discovered.

I have called upon Mr. Leavitt relative to the vouchers you refer to, and he informs me that all the vouchers relative to the payments of interest for January 1847, and July 1846, accompanied his account as audited by me. And if my memory serves me right I believe such to be the case. I had supposed you had reference to other subsequent vouchers. I believe the package I sent you from Chicago in July last contained the vouchers in question, at least if they relate to the two payments named.

With regard to prescribing the method which Mr. Leavitt shall adopt in paying interest on the New Stock you must be aware that it is a very delicate matter. I will however do what you require, that is have proper Books prepared and make such suggestions to him in doing the business as may seem necessary in order to avoid confusion in the matter. I regret exceedingly that the circumstances would not warrant you in placing the entire Agency in my hands commencing with the January payment for the reason that there are a number of things to be observed

¹ This letter is not found in the Letter-Books.

in making this payment which will be important in the future management of the business. First with regard to paying on coupons only when accompanying the Bond, of which I have before spoken to you. Second, with regard to the proper manner of paying interest on the New issue, which it will be almost impossible for Mr. Leavitt to do understandingly without having constant reference to my books. But a third difficulty I wish to call your attention to which may require your special instructions to Mr. Leavitt, I think in paying interest on the old Internal Improvement Bonds and all others except the Canal Bonds, the amount paid should be stamped upon the Coupon falling due January 1st 1848, for the following reasons. The New issue all bear date and interest from July 1st 1847, therefore the interest paid should be applied upon interest accruing since that date in order to leave the same arrears of interest up to July 1st on the Bonds not surrendered as is put into the "Interest Bonds" for old Bonds surrendered. If the next payment of interest is stamped upon the same coupon as theretofore it will make the arrears to July 1st/47 as much less as the amount paid, and when these bonds come in for exchange, the New Bonds being dated July 1st would be entitled to draw interest for Jany. 1st 1848, the same as those exchanged before the Jany. payment, but if the endorsement is made upon the Coupon due Jany 1st 1848, when they come in for exchange I should issue in interest Bond the same amount arrears as heretofore, then charge against the Stock issued for those old bonds the amount of the January interest, by doing which it will then place all the New issue on the same footing and avoid confusion in the New Stock, otherwise there will be New Stock out on which interest for January /48 has been paid as well as not paid. I do not know as I have made the matter sufficiently clear to you, but I submit it to your consideration and directions. I am exceedingly desirous that matters relating to these Bonds should be preserved in as good shape as possible as I have become identified in this refunding and to some extent shall stand responsible for any confusion or irregularity which may creep into the business.

It appears to me that it would be good policy to discontinue the payment of interest in London if not for the January payment at least for all subsequent payments. It will save much trouble and will be an additional inducement for holders to put their Bonds into Transferable Stock. This is only by way of suggestion and I trust you will pardon me for the liberty I have taken.

I have this morning received from Col. Oakley by Express the Box containing the Blank Bonds for transfer, and for irregular amounts to use in taking up Sterling Bonds and amounts of Scrip which cannot be made into even 1000 Dolls. I shall commence to number them after those which you left signed already numbered.

Inasmuch as I have so far delayed sending you the Interest Bonds requested, I will now delay until I hear from you as suggested I would do in my former letter. I hope it may not cause particular inconvenience I know your desire to preserve perfect regularity in the Books will easily excuse this delay, at the same time I wish to be understood as being entirely under your directions in the matter and ready to act fully in accordance with your positive instructions. I shall be happy to hear from you soon touching the matter referred to, and beg to assure you of my high regard, and remain

Your Mo. Obdt. Svt.

JULIUS WADSWORTH

P. S. Will send transcript of Books in a few days.

NEW YORK December 21 1847

HON. AUGUSTUS C. FRENCH GOVERNOR &C
SPRINGFIELD

DEAR SIR: I hand you herewith a transcript of the register in my office of all the Bonds and Scrip surrendered up to the first day of December inst. This has been delayed longer than I hoped but it is now complete and is in the form of our register here. I will have a transcript of the register of "New Internal Improvement Bonds" issued, made out soon I have thought best to give that to you in exactly the form of our Register here, and on sheets complete so that when they are all received at the department in Springfield the sheets may be bound and complete. This would save much labor at Springfield and will be no more labor here. The sheets will have to be printed before we can commence that transcript, and then I will only send the sheets forward as fast as they are filled without reference to the time.

I have been exchanging some Sterling Bonds, and have issued therefor the \$1000, Bonds so far as I could and for the balance have given one bond of the blank amounts furnished me. I think this a better

way than to issue a bond of \$1080. for each Sterling Bond of £225. It will make but few of the Bonds in irregular amounts. I have commenced numbering at 2000. When I hear from you further relative to your plan of exchanging at Springfield I will follow your directions. Should you do any thing it would be well to commence to number at 2500. There is not much being done in the way of exchanging Bonds now, a few coming in every day almost. After 1st January I think they will come in more freely. I will have prepared such form of rect. Book as I think necessary in paying interest on the New Bonds and will furnish it to Mr. Leavitt with a transcript of the names of parties holding the Stock so that he can pay only on the numbers to the parties in whose name the Stock stands on the books. I hope my suggestions may be adopted relative not only to the New Bonds but to the old so far as payments on the old bonds may affect the New Issues.

I hope to hear further from you soon, and remain

Dear Sir, Your Mo: Obdt. Svt.

JULIUS WADSWORTH

P. S. All the Bonds & Scrip received to Decem. 1st I have had canceled and put up in a distinct package; and will hereafter do the same with amounts received up to the time when transcripts are made out and sent forward.

Yours

J. W.

NEW YORK January 3d 1848

HON. AUGUSTUS C. FRENCH GOVR. &C
SPRINGFIELD

DEAR SIR: Your letter of the 16th Ult^o is before me and I have noted its contents. No Sterling Bonds have been offered for exchange besides those held by Messes. Howland & Aspinwall, who offered them when you were here these have been surrendered at \$4.80 to the pound Sterling and your instruction on the subject of Sterling Bonds will be observed by me. I sent you some time since a transcript of the register of surrendered Bonds & Scrip But I have not yet been able to get ready the transcript of the New Bonds issued. I will however do so in a few

¹ This letter is not found in the Letter-Books.

days. The labor of preparing the papers for Mr. Leavitt to pay interest has been considerable and together with bonds &c coming in for surrender and preparing the transcript to send to you has been as much as Mr. Briggs could possibly do. I have to-day opened the books for transfer and advertised that the books were open also that the exchange of New Certificates &c for old Bonds, Scrip &c was still being made at my office.

Mr. Leavitt finds it difficult to commence the payment of interest and has I believe resolved to wait until he hears further from you in answer to his letter of 29th ulto¹ relative to the amount to pay upon and the amount to be divided. He was in error in advising you as to the amount of Canal Bonds issued in 1847, for Scrip &c as I informed him of the amount of "New Internal Improvement Bonds" Issued for Internal Improvement Bonds, Scrip &c.

There are many difficulties arrive in the matter of paying interest &c and Mr Leavitt complains bitterly. The labor and trouble is indeed very great besides the intricate nature of the business and rather complicated condition of it. I know you cannot fully appreciate it situated at the distance you are, but the practical operation of the business shows many difficulties, even after having the instructions explicit. I have furnished Mr. Leavitt with the necessary books for paying interest on the New Stock and given him a copy of your your Regulations in paying the interest, also with all the numbers of the New Stock and names of the parties entitled to draw the interest. Also with a complete list of the Numbers of the old bonds surrendered. Since giving him the latter he has requested me to give him the numbers consecutively in order that he may the more easily examine it, as it will be necessary to do on paying interest on every coupon that does not accompany the Bond, this I shall do although the labor is considerable. This might be avoided by requiring that all coupons should accompany the Bonds to which they belong. The account or attending to the exchange of Bonds up to the 1st inst. together with money paid out for books &c I will I think make out soon and send you, and after the first I shall charge (as I believe is the understanding) \$1200 per year for the transfer Agency, and such amount for the refunding as the trouble, responsibility & labor, seem to warrant.² If I had the Interest Agency with a salary of say

¹ For Governor French's answer see *ante*, 150.

² See *ante*, 164.

(\$1200) I should probably be willing to do the refunding without much if any charge as it could be done by the same Clerk who attends to transfers &c. I hardly know how much to charge to the present time, the labor, care &c have been very considerable as you are aware, I will however submit the acct. and if you should think it out of the way, shall be willing to conform to your views

With much respect, I am truly Yours &c

JULIUS WADSWORTH

NEW YORK January 13th 1848

HON AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: I have to day mailed the transcript of "New Internal Improvement Bonds" and "Interest Bonds" issued up to the first of December. The transcript of old Bonds surrendered was forwarded some time since, and I regret that I have been unable to send the transcript of New Stock before this time, but the variety of other matters which Mr. Briggs has had to attend to has rendered it impossible. And as you know the first of January and the few days preceding and succeeding it are always very busy times amongst Merchants &c In New York. This will complete the entire transcript of our registers of bonds surrendered and issued up to December first, and I will have prepared as soon as I can the transcript for the Month of December and January and forward you.

There has nothing of particular interest transpired recently concerning matters of our State. Mr. Leavitt has not yet commenced the payment of interest and is awaiting further advices from you. I have furnished him with all the necessary Books and numbers of all old bonds surrendered also a complete list of the names of holders of New Stock with the Numbers and amounts. He complains very much of the great trouble attending the whole matter and has repeatedly said that he should have to give it up or employ some one to give their whole attention to it, and yesterday said to me that I must attend to the whole of it that it would be better to have all the Agency in the Matter united. I replied to him that I had about as much as I could attend to and that in such case I should have to employ some one to do the business. The truth is that he is very much occupied and has not the time to devote to the busi-

ness, and was it not for the fact that the money in his hands is just now useful to him he would give it up at once. The trouble attending the transfer is considerable both for Me & him it being necessary to take all the old ones to him to cancel every morning and get his approval to the New issue, this is all very well in theory but in practice is troublesome and in fact not a complete check. I do not speak of these things with a view to inducing you to change any thing, and certainly should not wish you to change the interest paying agency unless it could be done with the entire approbation of Mr. Leavitt. Should he be removed he would certainly suspect that Col. Oakley & myself had been instrumental in inducing your Excellency to make the change.

I have seen a Card or Circular recently signed by the Illinois subscribers to the Canal Loan, which surprises me somewhat. I presume you have ere this seen it. It has attached to it a certificate of Judge Dickey. The Circular contains some statements that I am confident the signers cannot state from any knowledge of their own. I observe my brother is one of the signers, but under what influence he has been induced to sign it I do not know. I believe him to be entirely friendly to Col. Oakley, and cannot conceive any object he should have to misrepresent any parties concerned.

In what position has the investigation had at Chicago placed the opposing parties?

I am without any recent advices from you.

I remain Dear Sir

Your Most Obedt Svt

JULIUS WADSWORTH

NEW YORK January 17th 1848

HON. AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: Your favors of 22nd and 31st¹ Ult. together with my commission as "Transfer Agent" came to hand on Saturday evening the 15th inst. Mr. Leavitt also received on the same day your favor of 1st inst.¹ which I have just seen. He still remains in the same dilemma relative to the dividend due the first Monday in this Month and fears that it will be charged upon him that he is causing the delay for the

¹ These letters are not found in the Letter-Books.

purpose of using the money. I do not however see how he could well do otherwise, as it is impossible for him to determine how much to pay on each bond unless he knows the exact amount of money to be applied, and the whole amount of the debt to which it is to be applied. He is therefor[e] deferring the payment until he hears from you in reply to his letter of the 29th Decr.¹ and appeals to me to concur with him in so doing, which of course meets my assent. I hope the matter will not remain suspended much longer. I regret that you take the view you do relative to the application of interest on the old bonds, for the reason that if applied on the same coupon as before it will leave the arrears of Interest to July 1st 1847, just so much less, and the New Stock will issue in exchange, bearing date July 1st 1847, and will be entitled from its date to another payment for January 1848, but of course cannot be paid as there are no funds provided for the purpose. This could all be obviated if the New Stock issued in exchange for such Bonds as the Jany interest (Now being paid) is paid upon, should bear date Jany 1st 1848, instead of July 1st 1847, as then there would be no interest accrue on the New Stock so issued until next July, when the instalment could be regularly paid upon it. This plan would make it necessary to add the further arrears of interest to the amt. for which "Interest Bonds" are given that is the arrears on the old bonds from July last to the 1st of the present Month. I should think this the best plan if your New Bonds had not all been filled up with July 1st 1847. You could if you see fit order the alteration to be made. This plan or the plan of stamping on the Coupon due Jany. 1st 1848, seems almost imperative.

If however you think differently the thing must be done in such manner as you advise and I hope it will not produce any great confusion. In relation to stamping the amount paid on the New Stock, I think you must have misunderstood me, as such would be impracticable from the fact that those certificates of Stock are constantly being transferred and canceled, and new ones issued for them. Besides it is always customary for interest to be collected on transferable Stock without presenting the Certificates.

I hand you herewith the account complete as requested by you covering the whole \$1558. which was the amount of Mr. Leavitt's check which you handed us.

¹ See *ante*, 150.

I have this morning called upon Messrs. Ball Tompkins & Black relative to manufacturing the two Swords for Lieutenants Pope¹ & Scarritt. They will draw drafts of them and give the estimates to-morrow or next day with the time they can probably be done. They say however that it will not be possible to complete them before 1st March, and perhaps not so soon. They think \$250 a small sum, and fear they will be unable to give solid silver scabbards for that money. There [sic] estimates will however determine it. I think Swords of that cost should be sufficient. The device and inscription will also be drawn up and forwarded to you in a few days. They think you should have mentioned the device and written the inscription. Probably the Arms of Illinois with the word "*Monter[e]y*" in a kind of scroll, with the words inscribed "Presented to Lieutenant John Pope by the State of Illinois in consideration &c." I will however after seeing the Manufacturers again, write it out and send you.

Very little has been done for a month past in refunding and for some days past nothing has come in. We have however been very busy in opening books for transfer, in transcribing our registers and attending to transfers. So little has been done in exchanging Bonds for the past month that I have concluded to include December & January in my next report, in as much as I have been obliged for want of time to defer it to this time. I hope this will be satisfactory to you

I have settled with Mr. Briggs for his services to Jany 1st as agreed at \$100. per Mo. from Sept. 1st. His services are \$1200 per year, and his duties for the past four Months have been very arduous. I will make out my account in a few days and send you, with accounts of some transfer books &c. I hardly know what I am entitled to for services and shall conform to your wishes. It has occupied a good deal of my time and attention, which together with the responsibility, use of office

¹ John Pope: born March 12, 1823, at Kaskaskia, Illinois; entered West Point in 1838 and graduated four years later; 1842, appointed second lieutenant of topographical engineers; August, 1846, joined General Taylor's army in Mexico; distinguished himself at the battle of Monterey; 1849, conducted exploring expedition into what is now Minnesota; 1853, began surveying route for Pacific Railroad; 1854-59, explored in the West; 1859, married daughter of Congressman V. B. Horton, of Ohio; in Lincoln's escort to Washington; May, 1861, made brigadier-general of volunteers; assigned to command in Missouri; assisted in capture of New Madrid and Island No. 10; promoted to rank of major-general of volunteers; commanded the Army of Virginia in battle of Cedar Mountain and in the second battle of Bull Run; at his request was transferred to the department of the Northwest January 30, 1865, appointed to the command of the Military Department of Missouri; October 16, 1882, made major-general in regular army; 1886, retired from service; died September 23, 1892 (*The National Cyclopaedia of American Biography*).

&c it is proper to charge. I will make out the account soon and send you for your approbation. When both Transfer & Interest Agencies are united, this refunding can be done without much charge.

My last letter to you was under date of Jany 13.

I remain Dear Sir.

Your Most Obedient Servt.

JULIUS WADSWORTH

NEW YORK February 1st 1848

HON. AUGUSTUS C. FRENCH GOVR &c
SPRINGFIELD

DEAR SIR: Herewith I send you transcripts of the register of Bonds & Scrip surrendered from the first of December to this date. I have showing but a small amount for the time. I have, however to day received nearly Three Hundred Thousand Dollars of Bonds to be refunded belonging to James Holford Esq. and as Mr. Leavitt is now paying interest and stamping payment on the Coupons of Jany 1848, I think many will bring in their Bonds before getting this instalment of Interest. I do not send you the transcript of Bonds issued for the reason I before gave you. The transcript of bonds surrendered actually shows all New Bonds issued, and answers all purposes for examination. I will send the transcript of Issues as fast as the sheets are full. My last letter to you was under date of 28th Jany. enclosing the New Stock as directed in your letter of Jany 15th.¹

The form of the sheets I send you herewith will serve for you to enter Scrip surrendered to you and send forward for entry on our books at the time we issue the New Stock.

The Scrip surrendered by B. Cole on the 16th Decr. as you will observe by reference to the transcript is of doubtful character and I am fearful is counterfeit, but not exactly certain. It was taken in and examined by Mr. Briggs who did not suspect it, but upon examining it for the purpose of canceling I was led to suspect it. Under the circumstances I hardly know what to do and I only called upon the party surrendering it and said to him that I thought the Scrip was not good. I also said to Mr. Leavitt that I thought he had better for the present suspend paying any interest upon the Stock issued for it, and I as trans-

¹ This letter is not found in the Letter-Books.

fer agent will of course refuse to transfer it. The matter stands in this way and I would like your instructions as to what course I had better adopt. Should you think best I would leave the matter open until you come on here and then you could examine the Scrip and determine what should be done. I have not and shall not cancel the scrip until the matter is finally adjusted either for the party to surrender the Stock or otherwise as you direct.

I have nothing of particular interest to advise you of. The Five Dollars for subscription to Hunts Merchants Magazine was paid as directed and we have charged the same to your account.

I remain Dear Sir, with much regard

Your Obt. Servt.

JULIUS WADSWORTH

NEW YORK March 18, 1848

HON. AUGUSTUS C. FRENCH GOVR. &C
SPRINGFIELD

DEAR SIR: I arrived in this City last evening from New Orleans having been absent twenty-eight days. I find your several letters of Feby. 11th, 14th, 16th, 17th, 19th, & 28th,¹ and have observed the answers made by my partner Mr. Sheldon, all of which is fully confirmed. In relation to the Stock issued to B. Cole I can only say that I very much regret the occurrence and will use every effort in my power to get up the Stock and return the counterfeit Scrip. I hope no more of the Scrip taken in will prove bad but such a thing is not impossible as the distinction between the good and spurious was not sufficiently understood by Mr. Briggs. In relation to supplying the places of the numbers occupied by the Stock issued to B. Cole as suggested in your letter of 28th, I would suggest the propriety of omitting to fill these numbers until the Stock issued to B. Cole is taken up, and in doing so it need not cause any interruption in your record as you can leave their numbers without carrying out the name to whom issued or amount, and it can be filled in when other stock is issued besides we have only blank Stock that is numbered and in order to fill in for these numbers we shall have to strike out the numbers of the blanks made use of. Would it not be better to fill in these numbers some time when you are here. It

¹ Only the letter of the 19th is found in the Letter-Books. See *ante*, 164.

appears to me that no inconvenience can arise from the delay. In one of your letters I observe that your remark that one of the returns is evidently full of errors or so transcribed as to baffle the ingenuity of your Clerk. I am very sorry that you should so readily discover that the errors were so numerous, and I trust after more complete examination you will find that such is not the case. I have taken great pains to have this business done with great accuracy and notwithstanding the peculiar nature and various kinds of Stock, Scrip &c received and issued I had hoped and still think that the whole business will prove to be done with as few errors as could possibly be expected, and I do hope some allowances will be made by yourself. I hope to be able to have the business done satisfactorily and in a manner to give little or no cause of complaint if I cannot I do not by any means wish to have the business to attend to.

Your remarks per yours of 19th Feby.¹ relative to my account are duly noted and I have only to say in reply that whatever you may think proper to allow will be satisfactory, I wish however to observe that you have entirely underrated the amount of labor which had been done, in your remark that it would be hardly necessary to keep a continuous clerk, for I assure you that from the time you left up to the first of January most of Mr. Briggs time had been occupied in receiving in and issuing Bonds, in transcribing our registers sent you, in opening the transfer Ledgers, and in furnishing Mr. Leavitt with the necessary transcripts, copies of numbers &c &c. The amount you propose to allow for the transfer agency &c is as I suggested and was as I supposed before understood. In relation to the interest Agency I have only to say that whatever compensation may be deemed suitable to fix for that service, I should be willing to accept, either by a fixed salary or by using the money which remains on hand. I had supposed that a salary of 1200 Dollars a year for each the transfer and the interest agency would be about such a compensation as would be suitable, this would allow \$1200 pr year for clerk hire and \$1200 for my individual attention, office use, responsibility &c &c.

You remark that the interest agency must pay for itself, by which I suppose you mean that the use of the money should be considered a sufficient compensation, and I am of the opinion that this would be fully equivalent to a salary of \$1200—and if so this would be satisfactory.

As to the security you suggest I do not know how that could be

¹ *Ante*, 164.

accomplished as I do not presume any Bank would become liable for moneys paid out by a State Agent unless each check could be accompanied with proof of the application of the money to pay interest and this would be a difficult business which I hardly think a Bank would be willing to submit to, besides interest on deposits are rare occurrence for Banks to allow and usually a very low rate. I could if it would be satisfactory give a bond signed by some of the best men in Illinois.

You remark that you have offers from other parties to do the business upon terms you suggest. In reply to this I wish to repeat what I have before said that the amount allowed for service rendered the State is not the main object with me, at the same time if the price for doing the business is a matter of bargain I am not disposed to come in competition with other parties. I have as yet had but little time to look over matters since my return, and after doing so will write you again if there is any thing requiring it.

I remain Dear Sir

Your Mos. Obt. Servant

JULIUS WADSWORTH

NEW YORK April 1st 1848

HIS EXCELLENCY

AUGUSTUS C. FRENCH GOVERNOR

SPRINGFIELD ILLS.

DEAR SIR: I had this pleasure under date of the 18th March. And since am in receipt of your favors of 12th & 15th ult. the latter addressed to Mr. Sheldon.¹ I have been confined to my room from illness most of the time since my last, otherwise would have written you relative to the B. Cole Stock. I have now however succeeded in getting up the Stock from Mr. Sistaire to whom it was originally given and have returned the counterfeit Scrip to him. Since the Stock has been received we have not received Scrip or Bonds for which we could reissue the same as was issued to B Cole. My intention is to alter the name and reissue the same Scrip when an amount of Bonds or Scrip comes in so that we can make the amounts of these interest bonds work in. This will save us the inconvenience of altering numbers of Stock to substitute and will I have no doubt meet your wishes. So you may

¹ None of these letters are found in the Letter-Books.

understand that both the principal and interest Bonds will be the same numbers, amounts &c, excepting the name of party to whom Issued, and for what issued. Which I will advise you as soon as we have reissued them. Which will be I trust in a day or two.

The Swords for Lieuts. Pope & Scarritt are now nearly ready and are very beautiful & will I think be creditable to the State. As soon as they are ready I will improve the first good opportunity to send them to Springfield probably by way of Chicago.

I observe your remarks about remittance for my acct. and for paying for the Swords, and when received will be applied as directed.

When I receive your directions relative to auditing Mr. Leavitts acct. I will attend to it with my best discretion under such instructions as you are pleased to give me. Mr. Leavitt has mentioned to me that he has requested you to withdraw the agency from him say as early as you come on here which he supposes will be in May. You will perhaps think it best to delay auditing the acct. until you change the Agency, when a full settlement can be made with Mr. Leavitt.

I find that of the 1999 principal Bonds which were left signed by you and the Treasurer, that 1739 have been issued (including the three to B. Cole) consequently there remains but 260 not used.

Of the 1000 interest Bonds 769 have been used (including the two to B. Cole) leaving on hand 231 not used. Of the irregular amounts only 11 have been used, say No. 2000 to 2010 inclusive. You sent me two books of these one of which is used for transfers of irregular amts. and out of this one you took 63 before sending the books to me.

There are two books of Interest Bonds here signed only by the Treasurer. The foregoing statement embraces all the Blanks left by you, not including one book of principal and one book of Interest blanks which are used for transfers.

It is not probable that we shall want any more blanks until you arrive here should that take place as early as 1st May. You will of course bring some on with you ready executed by the Treasurer. I sent you by todays mail transcripts of all Bonds, Scrip &c surrendered, and all new Stock issued since the last return & up to this time which I hope you will find correct & satisfactory.

I remain Dear Sir

Your Mo. Obt. Servant

JULIUS WADSWORTH

Copy of Letter from James Holford Esq. to Mr. J. Wadsworth

NEW YORK 4th April 1848

MR. JULIUS WADSWORTH
NEW YORK

DEAR SIR: As Agent of the State of Illinois for the refunding of their Stock, I beg leave to ask you a few questions. In the year 1842, Messrs. Macalister & Stebbins purchased from my house Holford Bunker & Co. Sterling Exchange amounting to about \$135,000 to be paid at a future day hypothecating 311 Bonds of the State of Illinois together with Scrip for about \$65,000. last year I made an arrangement with them as you know to deliver up all these securities & to take in liquidation of my account a certain number of the Bonds of the State called "*Liquidation Bonds*."

Mess. Macalister & Stebbins having failed to carry out the agreement & as I see no prospect of making any further arrangement with them I have determined according to my stipulations with them to sell all the property at public Auction but before proceeding to do this it will be necessary for me to know if the Scrip after it has been sold by auction can meet with any obstacles from you to convert it into Certificates of the State. You will oblige me by answering if you have any express orders not to convert any scrip hypothecated by Macalister & Stebbins to any one, & if you have no express orders, what line of conduct you would think right to pursue if any of the Scrip which I now hold shall be presented to you for conversion, whether it shall belong to *Macalister & Stebbins* or to the *State of Illinois*. I have very good reason to think that the whole of the Scrip is the individual property of Messrs. Macalister & Stebbins.

I am Respectfully

JAMES HOLFORD

Copy of Letter from J. Wadsworth Esq. to Mr. Jas. Holford

NEW YORK, April 5, 1848

JAMES HOLFORD ESQR
NEW YORK

DEAR SIR: I have before me your letter of yesterday relative to bonds & scrip of the State of Illinois hypothecated with you by Messrs.

Macalister & Stebbins in 1842. I will refer you to the several laws of the State of Illinois relative to the Macalister & Stebbins Bonds &c also the law passed at the last session of the Legislature providing for the refunding of the State debt, for the necessary information relative to these matters.

Your refusal to submit the Bonds & Scrip referred to for my examination will prevent a direct reply to your first interrogatory, and I can only add that from the impression I have of the Character of the Bonds & Scrip you refer to, it is not probable I should feel authorised to issue New Stock for them.

In reply to your second interrogatory, I answer that my instructions are of such a character that under existing circumstances I should decline receiving and refunding any portion of Bonds & Scrip hypothecated with you by Messrs. Macalister & Stebbins. My line of conduct in relation to the matter "should the securities be presented to me for conversion" would be regulated by instructions from the Governor to whom the matter would be referred for special instructions

I am very Respectfully

Yours &c

JULIUS WADSWORTH
Agt. of Illinois

NEW YORK, April 12th, 1848

HON. AUGUSTUS C. FRENCH GOVR &c
SPRINGFIELD

DEAR SIR: Your favor of 31st ulto.¹ came to hand yesterday, also your letter of same date to Mr. Sheldon. The package containing 800 Dolls. Counterfeit Scrip is also received. I hope I shall be able to get the same exchanged with the parties and think that the 7 that were received from a party in the City will be exchanged, but one was received from a party whom there may be difficulty in finding. I will do the best I can.

In relation to the blank \$1000 Bonds, I will as you request get two books from the Engravers & forward to Chicago, with the Swords, in a few days, & if a private opportunity does not present in a few days, will forward by Express. Mr. Leavitt leaves for Chicago today or tomorrow

¹ This letter is not found in the Letter-Books.

and I will try to get him to take the blank Books, but could not expect him to take charge of the Swords.

In relation to the Interest Agency and the manner of securing the State, I must say that I do not exactly comprehend what you wish, when you enquire where we wish the money deposited.

We (Wadsworth & Sheldon) keep accts. at more than one bank & shall probably have four Bank accts. the Bank of Commerce of the number. All the Banks with which we have accounts, are entirely sound and safe. I do not however see what the particular object of this inquiry is, as I proposed to give the State ample security for moneys placed in my hands, and shall be pledged to pay interest on stock or Bonds on application of the holders, this is I suppose all the State requires or would ask. We shall of course deposite all moneys we receive from the State in some Bank and draw checks for payment of Interest. We should however expect to make use of a portion of these funds from time to time as we might require and as might be to our interest, always however having a fair amount to draw against for payments of Interest. This is the only advantage we could derive from the agency the use of a portion of the money, and is the only way that we can derive any profit from it as a compensation for our services, as no bank allows interest on balances of funds in their hands, when parties are daily checking for money, and they would not particularly when so many very small checks are paid by them. Banks sometimes allow interest on deposits of 3 or 4 per cent, where considerable amounts are left for some time.

Should you determine to appoint myself or the firm of Wadsworth & Sheldon, agents, you will have as security first ourselves, which I trust will be good for say \$150,000— Then I would procure a bond signed by some of my friends in Chicago, whose names I will suggest below adding that I have not made application to any of them but have no question that those parties or others equally good will sign my bond, Viz—

Thomas Dyer, Elisha S. Wadsworth, Francis C. Sherman, Mark Skinner,¹ Hugh T. Dickey,² & others if required. The bond would of course be fixed at a reasonable amount.

The above parties are good for \$250,000, which with the liability

¹ Mark Skinner: born September 13, 1813, at Manchester, Vermont; 1833, graduated from Middlebury College; July, 1836, removed to Chicago; 1839, licensed to practice law;

² Hugh Thompson Dickey: born May 30, 1811, in New York City; graduate of Columbia College; admitted to bar; 1840, settled in Chicago; 1845, appointed judge of Cook

of Wadsworth & Sheldon should I think be deemed ample security for any funds which might be in our hands and which would not probably at any time exceed 50,000 to \$100,000, and usually much lower.

I remain Dear Sir Your Obt Servt.

JULIUS WADSWORTH

NEW YORK April 29th 1848

HON. AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I have duly received your valued favors of 13th 17th & 19th inst. and take due note of the contents.¹

I have just succeeded in adjusting the B. Cole matter the same party having surrendered 3000 Dolls. of other Scrip in exchange for the counterfeit. I hand you herewith statement of the same and you can cause the proper entries to be made in your registers in Springfield. I have on the Books entered this Scrip in the same place that the other was simply altering the numbers, and leaving the amt. of interest &c the same, the variation was but some few dollars, and I preferred not to alter the amt of the bonds originally issued. I hand with the statement the canceled Scrip which can be placed with the other. The other scrip you returned I have not yet been able to get changed and fear I may not succeed, will however do the best I can.

I fully understood that all the so called Macalister & Stebbins Bonds would not be funded, but my object in writing you on the subject was to understand fully how other State Securities lodged with Macalister & Stebbins would be viewed. I now understand from your letter that none but those signed by Thos. Carlin, Governor are to be refused when

March 10, 1840, became city attorney of Chicago; master in chancery; 1844-45, United States district attorney; 1846-48, representative in the General Assembly; 1851-53, judge of Court of Common Pleas of Cook County. Originally a Democrat, Judge Skinner opposed Kansas-Nebraska bill and supported administration during War; officially connected with Galena & Chicago Union railroad and Chicago, Burlington & Quincy Railroad; also with the Chicago Marine & Fire Insurance Company, and the Gas Light and Coke Company (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905; *History of Cook County*, A. T. Andreas, Chicago, 1884).

County; December 4, 1848—May 24, 1853, judge of Seventh Circuit; 1855, returned to New York City where he died June 2, 1892 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1905).

¹ None of these letters are found in the Letter-Books.

offered for funding. I have not said so to Mr. Holford, as he has written you on the subject and I prefer to have him get your answer on the subject. He has not yet got the injunction from his sale, but expects to soon, and will then proceed to sell. I shall forward you on the 1st prox. transcript of the books to that date.

I fully appreciate your views relative to the appointment of myself as Agent for the payment of interest, and can see that it is good policy to have it understood that the payments are managed by me through some Bank. Wadsworth & Sheldon keep accts. at the American Exchange Bank, Bank of Commerce, and Bank of America, and I will designate the Bank to you soon at which we will pay the interest, it will be either the Bank of Commerce or Bank of America either will no doubt satisfy all parties.

I have made and executed with Mr. Sheldon a bond in the terms directed by you and will forward it to Chicago for the sureties to add their bond names. I will ask Mr. Skinner to forward it to you.

I feel highly gratified with the appointment, and with the terms of preference you have chosen to express and trust you may not have cause to regret the appointment.

You will of course see that it will be an object with us to have as large an amount in our hands at all times as possible, and I wish you would in our behalf have funds forwarded as soon as collected by the State, when it can be done without detriment to the interest of the State. It can be of no value to the State to have the money remain in the treasury at Springfield, whilst to us it will be of service even if we have no use for it by being to our credit in Bank. If you will endeavor to favor us in this way we shall feel greatly obliged and will fully appreciate it.

I learn by telegraphic reports that the convention has nominated the present incumbent as candidate for Governor, and I beg to tender you my congratulations.

I remain Dear Sir

Your Humble Servt.

JULIUS WADSWORTH

P. S. Mr. Dyer may aid you in making remittance. J. W.

NEW YORK May 9th 1848

HON AUGUSTUS C. FRENCH GOVERNOR &C
SPRINGFIELD

DEAR SIR: Your valued favor of April 29th came to hand yesterday covering remittance as follows—

Draft E. W. Clark & Bros. on E. W. Clark Dodge & Co	\$1500.
“ Loker Renick & Co “ Am. Exchg. Bank	108.15
Sixteen hundred and eight 15/100 Dollars	<u>\$1608.15</u>

This amount has been placed to the credit of the State of Illinois with Julius Wadsworth on the books of Wadsworth & Sheldon, and that account debited with the acct of Gay & Wadsworth, nine hundred & fifty one 25/100 (\$951 25/.) also Five Hundred Dollars paid to Messrs Ball Tompkins & Black for two Swords manufactured for the State, and one or two other items which will appear in statement of acct. forwarded herewith.

I enclose you the account of Gay & Wadsworth receipted, also the Bill for Swords, and a receipt for the remittance acknowledged above, as requested by your Excellency.

You will observe by the statement of acct. that all items of expenditure have been brought into one general account with the State. If you require a distinction in the accts. between the refunding and transferring, and hereafter in the Interest Agency, you will please signify the same to me and it will be done.

I remain, Dear Sir

Your Obt. Servt.

JULIUS WADSWORTH

NEW YORK, May 18th 1848

HON. AUGUSTUS C. FRENCH
SPRINGFIELD
ILLINOIS

DEAR SIR: I had this pleasure on the 9th inst. and am not since that date in possession of any favors from your Excellency.

I enclose herewith a \$100 Scrip received from H. W. Rosenbaum in exchange for a counterfeit one of the same amt. returned some time

since. If this is substituted in your register in the place of the one returned it will make that matter right. The 7 returned and which were taken from Mr. Milne of Cincinnati are not yet exchanged and there may be considerable delay in getting the exchange.

I am getting to want the Blank Certificates which were sent out for signing, and hope you will forward them at once by express if you have not sent them already.

I have but 50 blanks left and a party presented 51 Bonds yesterday for exchange, but deferred it until I can get the blanks from Springfield.

I trust ere this you are in possession of my bond which I advised you I had forwarded to Chicago to be sent to Springfield. I would like to be informed of the amount of money which will be forwarded for the July payment as early as possible. Also the Amt. on which it is to be divided. It should be divided not only upon the amount which it has heretofore been divided upon but to that amt. should be added the whole amount of Scrip outstanding Internal Improvement and Canal for the reason that the bonds which are given for the Scrip are all dated July 1st 1847, and whenever issued will draw dividends from that date. Mr. Leavitt who returned yesterday from Illinois has just called upon me to inquire when the change in the agency will take place, he wishes it done as soon as possible as he says it occupies a good deal of his time and his Clerks.

He wishes me also to inform you that there has been a change in the firm in London who have heretofore acted as Agents of Illinois in paying interest. The firm is now Matheson & Co. instead of Magniac Jardine & Co. I shall of course be guided by your instructions in remitting to this house. Mr. Leavitt thinks that remittances should be made at least to pay upon Canal Bonds held there. This may be well, but as I have before written you I do not think it would be policy to remit for payments on Inter Imp. Bonds.

The amount of Canal Bonds held there I do not know, but presume the amount can be arrived at pretty nearly.

I remain Dear Sir

Your Obt. Servt

JULIUS WADSWORTH

NEW YORK June 9th 1848

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I have duly received your valued favors of the following dates, May 20th, 29th, & 31st,¹ and the appointment of Wadsworth & Sheldon as Interest Agents, with your letter advising the same, also the letter of Enoch Moore of 31st ult. advising the forwarding of 63 blank Bonds, which have come to hand

I will also call upon Mr. Leavitt for his account and shall show him your letter as my authority for doing so. You may have instructed him to render his acct. and pay over any balances he may have to me. If not he may require an order from you to that effect. Your letter to me he may however think sufficient. I will write you soon relative to it. In the mean time I await your advice and remittances, and remain

Dear Sir,

Your Obdt Svt.

JULIUS WADSWORTH

NEW YORK June 12th 1848

HON AUGUSTUS C. FRENCH GOVERNOR
SPRINGFIELD

DEAR SIR: I wrote you on the 9th inst. and have this morning received your favor of 3d inst.² with remittance of draft on the U. S. Treasury for \$15,510—say Fifteen Thousand Five hundred & ten Dollars.

This amt. I have collected. The firm of Wadsworth & Sheldon make their deposits at the Bank of Commerce, and will make all payments of interest for the State of Illinois by checks on that Bank. No connection in this matter will be had with Mr. Leavitt or his Bank.

I observe that you have given no instructions about remitting to London for the payment of July Interest. It is time the remittance was made. I shall however await your special directions as to the amt. to remit, and the party to whom remittance shall be made. I presume the whole amount I now have will be required here the first week in July, and it would not do to remit any portion of this to England. Mr.

¹ These letters are not found in the Letter-Books.

Leavitt is preparing his accts. for a settlement which will be ready in a few days. I will then advise you and forward the papers by first opportunity if not by mail. I fear the bulk will be rather too large to go by mail. Mr. Leavitt has some two thousand dollars still in his hands to turn over to me when the accts. are closed. I enclose receipt for the remittance above acknowledged, and remain

Dear Sir

Your Obdt. Svt.

JULIUS WADSWORTH

NEW YORK, July 1st 1848

HON. AUGUSTUS C. FRENCH GOVERNOR &c
SPRINGFIELD

DEAR SIR: I hand you herewith a transcript of the registers of Bonds & Scrip surrendered and Stock & Interest Bonds Issued up to this date. The amount which has been funded during the past month has been small but I think some large amounts will be funded after the July interest is paid.

Your letter of June 16th¹ was duly received, also the commission of Wadsworth & Sheldon. The account of Mr. Leavitt has been audited and his a/c current with part of his vouchers forwarded to you by mail on the 22nd Ulto. with my letter of same date.² I refer you to that letter for my views relative to the dividend to be made for July 1848. Since writing that letter, your letter to Wadsworth & Sheldon has come to hand advising the dividend for July to be made on \$60,000, and divided upon \$9,700,000.

The account of Mr. Leavitt as I before wrote you will show a heavy payment upon July Coupons of 1841, Equal to 339,000 Dollars of Bonds. I suppose you design to have payment made on the July Coupon of 1841 by us although you have not so instructed us.

Our commission authorises us to pay interest in accordance with the law. Now the law requires the funds to be paid equally upon each bond of \$1000—as I understand it but making this payment on the July Coupon of 1841 is equivalent to a double payment on the bonds bearing the same number of these Coupons. W & S will wish your instruc-

¹ Probably the letter dated June 15th; see *ante*, 174.

² This letter is not found in the Letter-Books.

tions to make this payment. Presuming that you was not aware at the time of instructing us to divide the \$60,000 on 9,700,000, the July Coupons of 1841 amounted to so much, Wadsworth & Sheldon upon my special advice determined to divide the \$60,000 on \$10,000,000, making the payment \$6. on each \$1000, the same as last January. I took this liberty not doubting that you would approve of it, and for reasons set forth in my letter of the 22nd ult.

There appears to be coupons of 1840 outstanding. There has been presented a considerable amount of Illinois & Michigan Canal Coupons of that year, asking for payment upon them. This of course I should not pay without special instructions from you.

Mr. Leavitt has requested me to ask you specially what will be your instructions relative to those back Coupons, and you will much oblige both him and me by giving your special views or instructions. I fear there are more coupons outstanding of dates prior to Jan'y 1842 than any of us are aware. If the amount was small it would not be amiss to pay them up at once and cancel them.

The largest amount of these 1840 Coupons were presented by Mr. Tileston of Quincy Ills.

I remain Dear Sir

Your Obt. Svt

JULIUS WADSWORTH

Agent for Refunding

NEW YORK July 3d 1848

HON. AUGUSTUS C. FRENCH GOVR. &C.
SPRINGFIELD

DEAR SIR: We duly received your letter of 25' ulto suggesting that we make a dividend of 65,000 Dollars instead of \$60,000 as you had before advised us.¹ This letter is too late as we had already prepared our books, and procured a Stamp, and advertised that the payment would be \$6. on each \$10000. One Mr. W. (the writer) wrote you on the 1st inst.² relative to the dividend also with reference to the payment on the July Coupons of 1841 and prior unpaid coupons, and we shall look for your instructions in reply. We would suggest for your determination

¹ See *ante*, 174.

² See *ante*, 284.

the entire payment of the Coupons of July 1841, there remains due upon each one on which the four dividends have been paid \$9 88/. It would save much trouble if you would instruct us to pay in full those coupons rather than stamp the \$6. upon them and having the balance \$3 88/ unpaid.

We make this suggestion for the reason that you appear to have sufficient funds, and this increased payment on those coupons would partially absorb the \$5,000, not divided—and should the amount outstanding be more than has yet been presented, it might absorb the whole \$5000 and even more.

We hope daily to receive the remittance you refer to as we shall soon, from present appearances, be out of funds belonging to the State. Will you please write us with out delay, and much oblige

Your Obdt. Svts.

WADSWORTH & SHELDON
Interest Agents

NEW YORK, July 7th 1848

HON. AUG. C. FRENCH
SPRINGFIELD

DEAR SIR: We have received from Messrs. B. C. Webster & Co. pr letter dated St Louis June 27th the following drafts for account of the State of Illinois—

E. W. Clark & Bros. on Clark Dodge & Co. at sight	\$21,000
Same " at 5 days sight	9,000
Say Thirty Thousand Dollars	<u>\$30,000</u>

We will forward you our receipt for the whole amount when the Nine thousand dollar draft is paid, it falls due on the 13th inst. We look for a letter from you with directions relative to remittance to London. We are not aware of what the arrangements with the Agents in London are, and will therefore act under your instructions. We know nothing of the responsibility of Matheson & Co. who are the successors of Magniac Jardine & Co. and shall not of course assume any liability further than to purchase bills to remit to them. The rate of Exchange is now high say 10 to 11% premium.

We are now very busy in paying interest, have already paid out nearly Twenty Thousand Dollars, and from present prospect may be

called upon for as much more within the next week. Considerable has been paid on Coupons which have not before been presented, which absorbs money pretty fast; five payments being due on each Coupon not before paid upon. We are not paying upon July Coupon of 1841, and will wait your instructions whether to pay them in full or not. We find that most of these coupons are for a whole years interest, such being the case it would take too large an amount of money to take them up in full, the Coupons being \$60—instead of 30 Dollars, they are also Sterling bonds and I observe that Mr. Leavitt allowed exchange of about 9½ pr cent upon the money in his payments, this I suppose is proper but it makes an expensive payment.

We hope you will soon forward further funds, especially for the former payments, as we have no funds properly applicable to the payments on former instalments.

The amount of deficiency is as we before wrote you \$14,564,60.

We shall write you further on hearing from you, and remain very truly

Your Obt. Svts.

WADSWORTH & SHELDON

Interest Agents

NEW YORK July 13th 1848

HON. AUGUSTUS C. FRENCH
GOVERNOR OF ILLINOIS

DEAR SIR: We have duly received the favors of your Excellency bearing date the 29th & 30th ulto.¹ We now hand you our receipt for the \$30,000 the amount remitted by B. C. Webster & Co. from S Louis. The draft for \$9,000, falls due to day, and with the sight draft of \$21,000, makes up the sum \$30,000—

We are daily much occupied in paying the interest on the Bonds and have already paid out more than one half of all the money placed with us.

By your letter you instruct us to forward \$18,000 to Messrs. Matheson & Co. of London, which we will do. We will remit say £2000 Sterling, by the first Steamer, and the balance to make up \$18,000 in the course of two or three weeks which will be in ample time for them to pay out as it will take them some time to prepare, give notice &c. We would remit the whole \$18,000 by the first Steamer if it would make the least

¹ These letters are not found in the Letter-Books.

difference but we think it may be well to hold back a part of it as from present appearances we shall be out of funds ourselves, and a little delay in remitting a part of the funds to M. & C. will give time for funds to come from you. It would be unfortunate for us to be obliged to suspend the payment of Interest for want of funds, and we will not do so unless we find the calls so much beyond the amt. of funds in our hands that we cannot conveniently advance the money. There is more than usual promptness in calling for interest now, and many bonds and coupons are presented for all the payments, none having been heretofore paid. This shows the importance of having the funds for each dividend kept separate, and we would suggest that you remit the deficiencies to make up the original amounts independent of the present payment of \$60,000—The amts. of deficit we gave you in a former letter.

We have this morning received through Mr. Leavitt a package of vouchers accompanied by a letter from Messrs. Matheson & Co. with statement of payments on a/c of the last dividend. As soon as we can see Mr. Leavitt and get an explanation of the matter we will forward the vouchers and acct. to you. We know nothing of the situation of accts. between the State and Magniac Jardine & Co. other than appears by the accts. of Mr. Leavitt which have been audited and forwarded with the vouchers to you. It appears by their letter (a copy of which is inclosed) that the payment for the last January dividend was not commenced until the 15th June. Why this is does not appear.

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We remain, Dear Sir

Your Most. Obt. Svts.

WADSWORTH & SHELDON

Int. Agents

NEW YORK July 20, 1848¹

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: We are duly in receipt of your letter of the 10th² inst. relative to payments on coupons of July 1840 and July 1841. We have made no payments on either of these classes of Coupons, and

¹ For answer see *ante*, 180.

² This letter is not found in the Letter-Books.

await your direction relative to what payment, if any, we shall make on those of July 1841. We find that the Coupons which were presented by Mr. John Tileston former Fund Commissioner, are now held and owned by Mr. Leavitt. We presume purchased by Mr. L. since Mr. T. presented them. They were we learn held by some party in England in pledge or otherwise and sent out to Mr. Tileston—there are 60 in number as follows, No. 1076 to 1100, 1116 to 1130, 1201 to 1220, They are Illinois and Michigan Canal Bonds, and the Coupons signed J. D. Whitesides Treasurer, due July 1840.

Mr. Leavitt thinks that these are nearly or quite all that are outstanding and thinks he is entitled to payment. We can learn nothing further in relation to those coupons which can bear upon the case, either suspiciously or other wise. Any further inquiries you are pleased to make we will endeavor to follow up.

We remitted by the last Steamer Two Thousand Pounds Sterling to Messrs. Matheson & Co. London, the bills are at sight (not 60 days sight as heretofore remitted) the rate of Exchange paid was 11% amounts to \$9,866 66/. We shall defer remitting the remainder until we receive funds from you. We have sufficient on hand to make up the balance you instructed us to send.

We remain Dear Sir

Your Obt. Svts.

WADSWORTH & SHELDON

Int. Agts

NEW YORK July 20, 1848

AUGUSTUS C. FRENCH
GOVERNOR & C

DEAR SIR: There are several parties holding large amounts of Internal Improvement Bonds in England and on the Continent who are desirous of getting them refunded but delay doing so in consequence of the risk attending their transmission to this Country.

Mess. James G. King & Sons have I believe written you on the subject, suggesting that an Agent be sent out for the purpose of making the Exchange there. This plan you can judge of the expediency of adopting. I would however with due deference suggest another plan which it appears to me can be adopted to effect the same object without

expense to the State, and at no hazard of ultimate loss to either party—as follows;

Let your Excellency issue to the Agent for refunding the State debt (provided you feel authorised to do so) an order in due form instructing him to issue new Stock to parties residing in Europe on their presenting the Bonds to be funded, or in case of proof being furnished that the bonds have been lost or destroyed in transmission.¹ Conditioned that the holders have a full registry of the Bonds made and certified by a consul of the United States (or such other officer as you may deem best) and seal the same up (the Consul to Seal) in a package addressed to the Agent in New York for funding the debt of Illinois. The registry to be complete, with date numbers, amounts &c. This special order you can forward to me, drawn up in such form as you may think fit and having a seal or the signature of the Secretary of State, or otherwise.

This order I can furnish copies of to be transmitted by Agents here to their friends in Europe, as their guide in forwarding Bonds.

I submit this for your approval or disapproval, and remain with much respect, Dear Sir, Your Obt Servt

JULIUS WADSWORTH,
Agent of Illinois

NEW YORK August 2d 1848

HON. AUGUSTUS C. FRENCH GOVERNOR
SPRINGFIELD

DEAR SIR: I enclose herewith a package of vouchers handed me by David Leavitt Esq. which he received from Messrs Magniac Jardine & Co, or their successors Messrs. Matheson & Co. The vouchers relate to payments made upon bonds on account of the first four instalments. All the vouchers heretofore received from them have been forwarded to you at Springfield. There is probably further funds in the hands of Messrs. M & Co. not yet paid on the four first instalments, and vouchers will be forwarded as received by them until they expend all the money furnished them. I have instructed them to keep the fifth payment distinct from the former.

¹ Governor French issued desired order. See *ante*. 180

I have also enclosed a package addressed to you today, covering the vouchers of Mr. Leavitt for payments made on a/c of first and second instalments of interest paid by him, also the vouchers for four payments on the July Coupons of 1841.

There remains [*sic*] two books of vouchers say for third and fourth instalments, which I will make a package of and forward tomorrow with the copy of vouchers for payments for first instalment on the "New Internal Improvement Stock"

I remain dear Sir

Your Mo. Obt. Svt.

JULIUS WADSWORTH

P. S. Amt. of remittance made today to Matheson & Co. £1500
Stg. c 10½% \$7366.67—

NEW YORK August 21, 1848

HIS EXCELLENCY

AUGUSTUS C. FRENCH GOV.

SPRINGFIELD ILLS.

DEAR SIR: Enclosed permit us to hand you a memorandum of payments by Messrs. Matheson & Co. on act. Illinois Mill Tax, and the vouchers for the same, to the amount of £39-3-5, which have been this day handed us by Mr. Leavitt.

We are also in receipt of a letter from Messrs. Matheson & Co. acknowledging the receipt of the 2000£ in which they say as soon as they receive the further sum spoken of by us, they shall advertise the payment of the fifth instalment.

Mr. Mather has called upon us to fund some 21,000 Internal Impro. B'ds. they are issued under awards by the Arbitrators, to the State Bank, and bearing interest from 1843, and he wished us to write and get authority from you to fund them, as he said he has had conversation with you in relation to these bonds, and that you consented to have them funded, but that he presumed you in your press of business had forgotten to write us.

Yours Respectfully

WADSWORTH & SHELDON

NEW YORK November 24, 1848

HIS EXCELLENCY

AUGUSTUS C. FRENCH GOVR. &C

SPRINGFIELD

DEAR SIR: We are duly in receipt of your Excellency's favor of the 11th inst.¹ also of two letters of same date signed "E. Moore" one containing a draft for Four Thousand Dollars, on account of Interest fund for January 1849, and the other advising the enclosure of the same. We hand you enclosed our receipt for said remittance (\$4,000)

We take due note of your remarks relative to Mr. Leavitt's suggestions with regard to payments of interest on the Canal Bonds of 1847: also relative to Coupons for 1840 unpaid interest and have nothing to add on the subject but shall continue to act as under former instructions.

We find there are some Coupons of Feby 1st. 1841 outstanding, they belong to the Stock for Public Buildings. We do not pay interest on these presuming they come under the directions previously issued, to pay on no old coupons except the coupons of July 1st 1841. We presume further remittance will soon be made for the January interest and hope the amount may be sufficient to pay as much as \$6. the same as paid for July. This would require \$65,000, divided on 10,500,000 Dollars which will be as small amount as can safely be divided upon. You will of course advise us sufficiently Early and remit the whole as soon as it may be received into the treasury.

We remain Your Mo. Obt. Svts.

WADSWORTH & SHELDON

Interest Agents

SPRINGFIELD Aug. 24th 1848

MESSRS. WADSWORTH & SHELDON

Please acknowledge receipt of enclosed draft.

Signed

AUG. C. FRENCH

per E. MOORE

¹ This letter is not found in the Letter-Books.

NEW YORK Sept. 11th 1848

HON. AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We hand you above a copy of a letter we received a few days since, covering a draft of Canal & Banking Co. of New Orleans on the Bank of Commerce in this City for Three Thousand Dollars which amt. we have placed to the Credit of the State, as we suppose it is designed to be placed to the fund for the payment of interest but the letter is without any instruction of the object, and as we are not aware whether it is designed for the next instalment or to be added to the general fund we will defer sending you the receipt until we hear further from you, and then if it is your wish we will include the two hundred dollars received from Chicago for your credit in the same receipt. We shall be very glad to be receiving further amounts of funds as you may deem best to forward in anticipation of the payment of interest for January. The blank interest bonds are not yet received.

We remain Your Mo. Obt. Svts

WADSWORTH & SHELDON

P. S. I have given canceled bonds to Mr. Webster

J. WADSWORTH

NEW YORK, December 2nd 1848

DEAR SIR: I wrote you yesterday,¹ and enclosed you my returns for bonds &c refunded to 1st Decr. 48. all of which I trust will upon examination be found correct. I also enclosed my acct. as transfer Agent for the year ending 1st January. Which I hope you will approve and return without delay. I have footed the amts. of the "New Stock" and Interest Bonds issued and find the whole as follows—

	No. of Certificates	Amount
"New Internal Improvement Stock"	3081	\$3,100,734,98
Interest Bonds	1331	1,101,057,19

In my letter of yesterday I mentioned that a considerable amount was now on the way from Europe for exchange and I think you can safely

¹ This letter is not found in the Letter-Books.



calculate that our four Millions will have been funded on the first of January or the meeting of the Legislature. I have before suggested the propriety of a slight change in the law for refunding and would now suggest that as early as possible after the meeting of the Legislature there be an amendment passed authorising the issue of certificates of not less than 300 Dolls. (instead of 500 Dolls.) for arrears of interest.

There are several parties owning single bonds who want to fund. Some have been forwarded from Europe with Consular certificates &c and the early passage of that amendment will save several parties considerable inconvenience. I would not recommend the passage of a law extending the time for refunding, until the very last days of the session, for the reason that many parties are holding on to their bonds anticipating an extension, or an alteration in the law, and I would like the time to expire as nearly as possible before the extension is given in order to oblige these parties to come in with their bonds. I am satisfied that nearly all the bonds will come in if the impression does not get current that more time will be given.

I am anxious to know what amount there will be for the payment of the January interest, and wish you would advise as early as possible. I wrote you some days since that 65,000 would be required to divide \$6. on each \$1000. If there will not be this amount I hope at all events it will not fall short of \$55,000, as this would divide \$5. on each \$1000—I hope you will strain a point if possible not to have the amount fall short of 55,000. \$42,200 have already been received and a remittance of \$12,800 will be necessary to make up the \$55,000.¹

You can scarcely conceive of the feeling that exists in relation to the two mill tax provided for in the constitution, and many openly denounce it as a species of repudiation, they say they would much sooner have seen the State pass such a law for raising money to buy up their bonds in the Street at Market value than for the gradual reduction of the principal leaving the accruing interest unpaid for. Many people even now are of the impression that the two mill tax is to apply on the interest, and when they learn to the contrary are much disappointed. I regret exceedingly this provision in the Constitution, for more reasons than one. First the application of the amount collected to each bond as provided in the Constitution is impracticable for the reason that the refunding of the debt has changed the form from bonds into Certificates which are

¹ Dividend struck for \$50,000. See *ante*, 190; *post*, 296.

transferable, and any one certificate may be transferred an indefinite number of times even within one year. It would therefore be necessary to call in all the certificates and issue new ones for the amt. less the amt. paid each year, and this would involve an intricacy in the accts. embracing the interest arrears, which would be very embarrassing. I do not however see any other practicable method, this however is very objectionable on account of the labor and expense. You are aware of course that in this process an entire set of blank Certificates would be necessary for the entire debt, every year. I am exceedingly desirous that by some process this may yet be so changed as to be applicable to the payment of interest, as this tax with the mill & a half tax would nearly or quite pay the entire annual interest on the "New Internal Improvement" Debt.

Is it not possible for the Legislature to pass an amendment to the Constitution at this session, and submit it to the people and get it approved before next January, (Jany 1st 1850) providing that the two mill tax may be applicable to the payment of interest.

It appears to me that such a step would meet with the approbation of almost the entire State, and the effect of it would be to place the credit of the State as well as the integrity of the State on a high and honorable footing before the world. The present plan as provided by the Constitution will for many years embarrass the State, and will be a stain upon her name which will last until the last mill of the debt is discharged. I will not enlarge upon this subject, but hope the considerations presented may influence your Excellency to place the subject before the Legislature or some of its influential members in such a manner as to secure some prompt and effective action upon it.

I have the honor to remain Dear Sir

Your Most humble Servant

JULIUS WADSWORTH

Agent for refunding the State Debt

To His Excellency
Augustus C. French
Springfield
Illinois

NEW YORK Decr 29, 1848

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We have received your favor of the 11th inst.¹ advising us to strike the dividend of interest for Jan'y 1849, on Fifty Thousand Dollars, and we have done so, and this day give notice in the papers of the payment of Four Dollars & Seventy five Cents (\$4 75/) on each 1000 Dollars of the debt of the State. We are sorry the amount is so small and dividing as we are obliged to on ten and a half Millions makes it appear strange to some.

We are now satisfied that \$50,000 will have to be distributed on this amount and that calls for the dividends will be pretty prompt. Some of the dividends will be deficient of money to pay, for instance the 4th instalment or payment of January 1848, there is now but about \$200. on hand and on the dividend book of New Stock over \$1200 remains unpaid. And there are a good many coupons yet to come in for that payment, and all Scrip hereafter funded will also get payment for that dividend on the New Stock issued for it. We are satisfied that at least \$5,000 more will be required for that payment. You will remember that that dividend was struck on \$55,000, and divided on only \$9,270,000, which will account for the deficiency. It should have been divided on \$10,500,000 for the reason that all Scrip funded gets this dividend. We would therefore now suggest that if there should be funds remaining of the last years collections after remitting Seven thousand eight hundred Dollars more, to make up the \$50,000 for the coming payment, that you remit what there may be to apply on the payment for January 1848.

We have delayed writing you and advertising the payment until the last moment thinking that we might get further instructions relative to the payment.

We will adopt your suggestions relative to remitting to Matheson & Co. and payments to be made by them. We would be glad to learn if possible the exact amount of Bonds on which payments of interest are required to be made in London. Is there any way of arriving at it? I suppose it is only on the Sterling issued for the Canal, as the Internal

¹ *Ante*, 190.

Improvement Sterling Bonds will soon all be funded. You can undoubtedly furnish us with the amount of Canal Sterling Bonds outstanding.

We remain dear Sir

Your Mo. Obt. Svts.

WADSWORTH & SHELDON

Interest Agents

NEW YORK Jany 10th 1849

HON AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I wrote you on the 29th ulto¹ and Messrs. Wadsworth & Sheldon wrote you on the same day. Since that time I have received your letter of Dec. 14, covering a letter to Messrs. Baring Brothers & Co. which I have forwarded per Steamer Europe.²

I have now on hand ready for funding 875,000 Dolls. of Bonds. And there are parties in the City holding two or three hundred thousand more, waiting the arrival of the blank Certificates. I telegraphed you yesterday to learn if they had been forwarded and I hope to learn that they have although I am as yet without any reply to the despatch. I hope there will be no further delay than necessary in signing and forwarding both lots which have been sent you as parties are very anxious to fund.

Wadsworth & Sheldon have forwarded to Messrs. Matheson & Co. £2000 Stg. say Two Thousand pounds Sterling on a/c of the Sixth Instalment, instructing them to pay \$4 75/ or its equivalent at 9 a/c Exchange (the rate paid) on each Bond of £225, or on bonds of other amounts in the same proportion. And if the funds forwarded are not sufficient that they could draw for the necessary amount. The Internal Improvement Bonds will probably all have been forwarded for funding before they commence payment so that they will have only to pay upon the Canal Sterling Bonds.

We have been very busy the past ten days in paying interest and together with the remittance to Matheson & Co. have paid out between 30 & 40,000 Dollars, and at this rate shall soon have consumed the

¹ *Ante*, 296.

² The letter of the 14th is not found in the Letter-Books. For the letter to Baring Brothers see *ante*, 190.

\$42,200 furnished, parties are now getting very prompt in calling for their interest. I hope you have before this the balance of the amt. (\$7,800) to make up the 50,000 Dollars on the [amt. due] to W. & S. and also hope if there is [*sic*] any funds belonging to the interest fund remaining that you will adopt my suggestion, in a former letter and forward it to be placed to the fund for the 4th or January 1848 instalment, as we have now paid out more for that instalment than was furnished.

I hope the amendment to the Law for refunding, to authorize the Issue of smaller certificates for Interest will have been passed before this time, and that the amendment extending the time for funding will only be passed at the heel of the Session.

Should there be no alteration in the Constitution relative to the two mill tax it will be necessary to have some legislative action relative to the method of applying the payment on the Certificates of New Internal Improvement Stock, and relative to the accruing arrears of Interest since July 1847. I think the best method to adopt would be to have the Certificates surrendered and New ones issued for the amt. less the payment, and to issue Certificates for arrears of interest up to the 1st Jany of each year, these certificates to be fundable into sums of 1000 Dolls. (More or less) and to bear interest after July 1857. This it strikes me would be the simplest way, and perhaps the only way to do without producing confusion. I hope however that it may not be necessary to do even this, but that the Constitution may be so altered as to make the funds collected applicable to payments of Interest.

If you can find a copy of the New York Evening Post of the 10th inst. please look at the article relative to Illinois under the commercial or money affairs head,

I remain dear Sir Your Mo. Obt. Svt.

JULIUS WADSWORTH

HIS EXCELLENCY

AUGUSTUS C. FRENCH, GOV.

SPRINGFIELD

DEAR SIR: We have this morning to acknowledge the receipt of your highly esteemed favor of the 19, Feb.¹ of which due note has been taken, and the course you desire, in case Messrs. Macalister & Stebbins

¹ This letter is not found in the Letter-Books.

should call upon us, will be followed by us, the blank Bond designed for liquidating their debt under a former law we enclosed you on the 27th ultimo.

We regret to observe that no legislation was had for the relief of parties holding single Bonds of 1000 Dolls each, as these parties think it very hard to be obliged to sell their Bond, or to purchase more in order to avail themselves of the funding, but at present we could not purchase these bonds below the market ratio as parties can dispose of them to the brokers who will have them funded, but after the funding ceases they may be purchased at reduced rates, but this will be dependent upon the course pursued by the State for should you decide to pay no interest upon these Bonds remaining unfunded, they would of course be very much depreciated, and the same will apply to the application of the two mill tax, but if these bonds receive, and as long as they receive the same advantages as the funded Bonds, the price will not materially vary, though as soon as it is known that the time limited by law has expired there will undoubtedly be a preference given to the funded Stock, and possibly from 1 to 3% difference in favor of the funded Bonds. It will then rest with you to decide which you would prefer for the School fund and at what difference, if any, you would prefer the purchase of the Old Bonds, please give us your views as fully as may be, that we may act understandingly.

We Remain, Dear Sir,

Respectfully, Your Obt. Servants

WADSWORTH & SHELDON

NEW YORK, Mar. 15th 1849¹

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: The time for funding the Internal Improvement Debt of the State of Illinois expired on the 13th inst. Eighteen Months from the time the funding commenced having transpired. I am not therefore authorized to receive hereafter any Bonds or Scrip that may be offered for conversion. The blank Certificates have not yet arrived. I have therefore been unable to convert a considerable amount of Bonds

¹ For answer see *ante*, 196.

and Scrip which have been presented, but I have registered the numbers of the Bonds & Scrip presented and consider it as surrendered under the conditions of the law, and shall on the receipt of the blank Certificates issue the Stock in exchange therefor.

The whole number of principal Certificates issued to this time and Interest Bonds is as follows—

4340	Certificates	New Internal Impt. Stock, Amt.	\$4,364,775,82
1891	"	Interest Bonds	" 1,541,016,67

The amount of Bonds &c presented and not yet converted is about \$600,000, which when funded will make the amount of Principal Certificates issued not far from 5,000,000 Dollars. As soon as the blank certificates arrive, and the bonds &c which have been presented shall have been converted, I will forward you the transcript of the registers of bonds & Scrip surrendered and New Stock Issued therefor, complete. There still remains outstanding a considerable amount of the Internal Improvement Bonds & Scrip, which will require the future attention of the State to provide for its conversion. I think a considerable portion of this is held by parties who do not care to fund and who perhaps will not do so so long as payments of Interest shall be made the same upon the old as upon the New Bonds. I am not aware of what will be your instructions relative to future payments of interest on those old Bonds, but it appears to me it would be a matter of policy to suspend further payments until they shall be converted under some future provision for the purpose.

I hand you herewith a copy of a protest by Silas Wood Esq. to the law for refunding the State debt, which your Excellency can give such consideration and direction as it may require. I also hand you a copy of a letter I addressed on the 9th inst to the Agent of James Holford.

The Bonds and Scrip held by Holford were brought in on that day by a Notary for the purpose of protesting them, for what purpose I know not. I was not permitted to examine them as would be necessary to determine whether I could receive them or not, and consequently I wrote the letter a copy of which I hand you. The Bonds and Scrip were stated all to have been received by Holford from Macalister & Stebbins, but I do not so understand the law for refunding as to exclude other bonds or scrip than that issued to M. & S. Therefore the Scrip presented by Holford might be funded as also any bonds (if there were any—) other than those known as Macalister & Stebbins Bonds. I

shall however let the matter rest as it now is, unless you should instruct me that the scrip could be funded, it having been presented before the time expired. No notice has been taken of the letter sent Mr. Dixon

I am, Dear Sir Truly Yours,

JULIUS WADSWORTH

Agt. for refunding the State Debt

NEW YORK March 24th 1849

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We duly received yours of the 26th Ult^o.¹ by the hand of B. C. Webster Esq and were also put in possession of the box containing the four Books of Blank Certificates, which we were very glad to receive, as parties here were becoming quite anxious to get their bonds converted. It will occupy some two or three weeks to refund what has been presented and registered for the purpose.

We are glad to learn that the time for refunding has been extended, and hope the entire Internal Improvement debt may be refunded before the time for applying the payments on the principals arrive, as under that law all internal improvement indebtedness whether funded or not will be entitled to the pro rata payments and it will involve great inconvenience to make payments on old bonds, scrip &c &c.

All the bonds &c canceled up to the time of the last returns, have been taken by Mr. Webster, who left here day before yesterday for the West.

We herewith hand you receipt for Three Thousand Dollars, paid us by Mr. Webster, which makes up \$49,700—we have now received on acct. of the 6th Instalment.

We look soon for advices from you relative to purchases of Stock for the School Fund, and remain

Your Mo. Obt. Svts.

WADSWORTH & SHELDON

Interest Agents

¹ This letter is not found in the Letter-Books.

NEW YORK, April 4th 1849¹

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I have received your letter of the 21st Ulto.² relative to the Bonds presented for funding by Messrs. Howland & Aspinwall, and in accordance with your instructions I have called upon them to deliver to me the bonds as the property of the State.³

They have written to Messrs. Matheson & Co. of London the party from whom they received the bonds and will expect a reply in about two weeks, when a more full explanation of the matter may be expected. To show however that there is no mistake on their part they have furnished me with a copy or an extract from the letter of Messrs. Matheson & Co. of Dec. 15th 1848. Which extract I herewith enclose to you.⁴

I have called upon Mr. Jaudon for information on the subject but he seems to know nothing about it and has but slight recollection of his connection with the affairs of the State. I have also seen Mr. Ryan and he has no knowledge relative to these bonds, and was not aware that any such bonds were or ever had been in the hands of Wright & Co. I have also looked over the Illinois Reports in my possession but find nothing on the subject that throws any light upon this transaction of Oakley & Rawlings with Wright & Co. I have not however in my possession a Report earlier than 1840, and presume that the Report you refer to was an earlier date. I am not aware of any steps I can take in this matter in behalf of the State, and shall therefore await further information from Matheson & Co. or instructions from you.

Your letter of 23rd Ulto.² addressed to Wadsworth & Sheldon is just received and in reply I have only to say that no copy of the Law extending the time for funding has ever been received, and the only intimation of the law is contained in your letter of Feby. 26th² which we received by the hands of Mr. B. C. Webster.

I wrote you on the 2nd inst² suggesting that you send back the accts. and vouchers of Messrs. Matheson & Co. as interest Agents, to this

¹ For answer see *ante*, 202.

² This letter is not found in the Letter-Books.

³ See *post*, 303.

⁴ See *post*, 304.

City, in order that regular accts. may be opened &c. It will also be well to examine the accts. to learn if they have made payments of interest on the Bonds in question.

I remain Dear Sir

Your humble Servant

JULIUS WADSWORTH

Agent for refunding State Debt of Ill.

Copy of Letter from Julius Wadsworth Esq. to Messrs. Howland & Aspinwall

AGENCY OF THE STATE OF ILLINOIS

NEW YORK March 10th 1849

MESSRS. HOWLAND & ASPINWALL

DEAR SIR: The bonds of the State of Illinois presented to day by you for refunding, have been by me duly registered as having been presented in full conformity with the law of said State, entitled "An act for refunding the State Debt" Approved Feby. 28th 1847, and are as follows.

214	Bonds of	£225,	each	Numbered	346 a	559	inclusive
1668	"	"	£100	"	"	34 a	1701 "

I find upon examination of the register in my possession that these bonds are set down as "left in hands of J. Wright & Co. unsold," and as the agent of the State I do not conceive that I am authorised to receive these bonds and issue New Stock, as it would appear that these bonds have never been sold by the State and were only deposited with Wright & Co. subject to the control of the State. I will however refer the matter to the Governor of the State, and await his instructions in the business. In the mean time these bonds having been duly presented for surrender, the right to refund the same will in no way be prejudicial by the delay, if it should prove that they are entitled to be exchanged under the law referred to.

I remain very respectfully

Your Obt. Sert.

JULIUS WADSWORTH

Agent of the State of Ills

*Extract of a Letter from Messrs. Matheson & Co. Lond. to Messrs.
Howland & Aspinwall, New York.*

We have taken the liberty to forward to your address by the *Europe* a Box for which you will receive Bill of Lading from Liverpool containing 1882 Internal improvement Illinois Bonds, viz—

1668 of £100, each No.	34 a 1701,	aggregating	£166,800
214 “ £225 “ “	346 a 354 “		48,150
	559		

We hold these bonds in trust and to keep in its full validity the security which they were intended to afford, by consent of the parties concerned, we now send them to you to be exchanged for the New Stock under the same title, which is to be registered in the name of our firm and the New Certificates to be transmitted to us. We hope you will excuse our troubling you to have this effected, and we presume you will either receive the Mill Tax dividends and any other interest payable on the overdue Coupons, or the whole of such Coupons will be converted into the New Stock

MATHESON & Co.

To Howland & Aspinwall

15 Feby. 1848

NEW YORK, May 1st 1849

HON. AUGUSTUS C. FRENCH GOVERNOR &C.
SPRINGFIELD

DEAR SIR: We have received your two favors of the 19th April,¹ one covering a remittance as follows.

Draft of E. W. Clark & Brothers on E. W. Clark, Dodge & Co.	\$15,000,00
Do Do Do	3,264,46
Certificate of Deposit in (“Bank of Utica” 1% disc)	500,00
	<hr/> \$18,764,46

This amount we have placed to credit of accounts as you have directed, as follows—

Seventh Instalment of Illinois Interest	\$15,462.
School Fund of the State of Illinois	3,302, 46/
	<hr/> \$18,764, 46

¹ One letter only is found in Letter-Books. See *ante*, 203.

We hand you herewith our receipt for the amounts as above placed to the respective accounts.

We have purchased Five Thousand Dollars New Internal Improvement Stock at $37\frac{3}{4}$ cts. for account of School Fund and shall purchase more soon, but fear we shall have to pay a little higher, there being no more offering at this time under 40 c We hope to get another lot at about 38 or $38\frac{1}{2}$.

The transfer stands in pencil on the transfer books awaiting your reply to our suggestions, relative to the name in which the New Stock shall be issued.

.

We remain very truly

Your Obt. Svts

WADSWORTH & SHELDON

NEW YORK, May 1st 1849

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I have this day forwarded to your address pr mail two packages covering the transcripts of Registers of Bonds & Scrip surrendered and of Register of New Int. Impt. Stock and Interest Bonds issued to this date, all of which I trust you will find correct and satisfactory. I shall forward you in a day or two a condensed statement of amount of Bonds and Scrip surrendered and what remains outstanding according to the register furnished when the funding commenced. The amount of Scrip still outstanding I shall be unable to give for the reason that the amount originally issued has never been furnished me. I wish I might be furnished with a statement showing as nearly as possible the amount of Scrip which was outstanding on the 1st July 1847.

I duly received your letter of the 16th April¹ relative to the bonds sent Messrs. Howland & Aspinwall by Messrs. Matheson & Co. and take due note that portion of the Report which you refer to. Nothing has transpired relative to this matter since I wrote you, and should any thing arise I will immediately communicate the same to you. I do not presume that they will surrender them to me, and I apprehend some

¹ *Ante*, 202.

action may have to be had in order to procure the surrender of them. It may at some time be necessary to send some one to London to make a final settlement of the affair. Your letter to George Peabody Esq. has had due course.¹

I remain Dear Sir

Your Mo. Obt. Servant

JULIUS WADSWORTH

NEW YORK June 26, 1849

TO HIS EXCELLENCY
AUG. C. FRENCH
SPRINGFIELD

DEAR SIR: We received a few days since a remittance of Eighteen Thousand Dollars from Messrs. B. C. Webster & Co. in a one day sight draft on Messrs. E. W. Clark, Dodge & Co. for account of Illinois Interest.

We have to day collected the draft and herewith hand you our receipt for the same.

We have advertised the payment of Five Dollars on each one thousand, and commence the payment on Monday next.

The whole amount we have now received from you for the Seventh Instalment is Thirty three Thousand Five Hundred and Sixty two Dollars, and we divide upon \$55,000—We therefore hope to get the balance soon. We shall remit to Matheson & Co. for this instalment in a few days if we get further remittance from you. We think the whole or nearly all the amount now received will be required here in the first two weeks.

We remain Very truly

Your Obedient Servants

WADSWORTH & SHELDON

Interest Agents

¹ *Ante*, 200.

NEW YORK July 9th 1849

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We duly received your favors of the 26th ulto.¹ covering a remittance of Twenty four Thousand Dollars on account of Illinois Interest, for which we herein enclose you our receipts for accts. as follows—Seventh Instalment payable July 1, 1849 \$21,538

“	“	“	July 1, 1850	2,462
				<hr/>
				\$24,000

We make remittances by the Steamer of the 11th inst. to Messrs Matheson & Co. of London, for payment of this instalment. Also further remittances on a/c of former instalments, they having advised us that the funds already forwarded had become exhausted. We repeat our desire to have all the accts. and vouchers of Messrs. Magniac, Jardine & Co. and Messrs. Matheson & Co. on account of their interest agency, placed in our hands, that we may make up complete accounts.

We are examining some papers and letters from Messrs Matheson & Co. relative to the Bonds sent Messrs. Howland and Aspinwall for funding, and when we have completed the examination will forward them to you for your instructions in the premises. The writer hopes to be able to mail the papers to day.

We are dear Sir

Your Mo. Obt. Svts

WADSWORTH & SHELDON

NEW YORK July 11th 1849

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We have duly received your favor of the 2nd inst.² advising the transmission by the next mail of draft of E. W. Clark &

¹ This letter is not found in the Letter-Books.

² Probably the letter of July 5. See *ante*, 204.

Brothers on E. W. Clark Dodge & Co. for \$10,000 at 70 days date, and the said draft has come to hand under envelope of E. Moore Esq. The draft has been presented, and accepted by Messrs E. W. Clark Dodge & Co. and falls due on the 7/10 September, and when paid we will forward you our receipt for the money on account of the January 1850 Interest.

We wrote you yesterday¹ enclosing receipts for your last remittance. Also relative to the bonds in hands of Howland & Aspinwall, with papers which had been received from Messrs Matheson & Co. and their letter relative to the same.

We regret to be advised that you will not visit New York this season. We shall however attend to such business as you may require us to do to the best of our ability, and will forward as you desire the blank bonds which were struck off for the Macalister & Stebbins settlement, with the blank certificates for transfers very soon—have as yet had no opportunity to send them, but hope to in a few days, otherwise will send them by express.

We remain dear Sir

Your Mo. Obt. Svts

WADSWORTH & SHELDON

NEW YORK Aug 29, 1849

HIS EXCELLENCY

AUGUSTUS C. FRENCH, GOV.

SPRINGFIELD ILLINOIS.

DEAR SIR: Your esteemed favor of the 21st¹ came duly to hand to day advising draft on Messrs. E. W. Clark Dodge & Co. at 60 days sight for Twenty-five Thousand Dollars (say 25,000\$) due Octo. 19/22 which draft has come duly to hand, and when paid will be credited interest account for January 1850, and we will send receipt in our usual form.

¹ This letter is not found in the Letter-Books.

We have received from you for 8th instalments Interest

Jany 1850. In cash	2,462
Draft due Aug 10th	10,000
“ “ Nov 10th	3,000
“ “ Octo. 22d	25,000
	<hr/>
	\$40,462 0/100

In all Forty Thousand Four Hundred and Sixty-two Dolls.

Your Obt. Servants

WADSWORTH & SHELDON

NEW YORK Sept. 12th 1849

HIS EXCELLENCY

AUGUSTUS C. FRENCH

DEAR SIR: I have at last succeeded in getting the exchange made by Geo. Milne of the counterfeit scrip surrendered by him in December 1847, and I herewith hand you a statement of the numbers of the Counterfeit Scrip and of the good Scrip received. Also enclose the scrip received canceled.

I have scratched out from the register the numbers of the counterfeit scrip and substituted the numbers of the scrip received, and you will please make the same alteration in your register, as well as in the transcript forwarded you at the time.

This will I believe now make everything complete so far as relates to the funding business for the past.

I am exceedingly desirous to have the statement of the various indebtedness of the State, as requested last Spring and I hope you will have Mr. Moore make out and forward me such a statement as complete and comprehensive as possible, if he is able to find time to do so. I am much annoyed by frequent enquiries in relation to these matters, and would like to be able to give the necessary information on all the particular points of inquiry. It will also be a satisfaction to have the information in my own possession.

I remain very truly

Yours &c

JULIUS WADSWORTH

NEW YORK Sept. 28th 1849

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: The package containing blank Certificates of New Internal Improvement Stock and blank Liquidation Bonds also the Marginal Book, and accounts vouchers &c relative to accts. with Magniac Jardine & Co. and Matheson & Co. has been received and we are now in process of examining the accts. and drawing off a complete account from the commencement of payments on account of the Mill Tax. Nothing further has been received from Matheson & Co. relative to the Bonds in the *hands* of Messrs. Howland & Aspinwall, they have however been written to recently urging them to furnish a statement of their claims in order that if necessary the matter could be presented to the Legislature for the necessary authority to settle the same, and we hope such a statement may soon be received.

The writter has had several interviews with Macalister & Stebbins and they are now engaged in making up their statements and will soon be ready to forward them to you. I have examined their general account and do not see that any exception can be taken to it. It is made up in the usual way of making up commercial accounts, and in the same way that parties holding claims against them upon the bonds have made up their accounts.

.

We are your Obt. Svts.

WADSWORTH & SHELDON

NEW YORK Octo. 2nd 1849

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH, GOV.
SPRINGFIELD

DEAR SIR: We have this morning received your highly valued favor of the 24th ultimo,¹ in which you advise a remittance of 4565 52/100 Dollars for account Interest Instalment January 1850. The amount has been received, and we hand you below a receipt for the same in our usual form.

Respectfully, Your Obt. Svts.

WADSWORTH & SHELDON

¹ This letter is not found in the Letter-Books.

NEW YORK. Nov. 13, 1849

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH

DEAR SIR: We hand you enclosed our receipt on account of the dividend on Illinois Bonds payable next January, for Two Thousand Nine Hundred and eighty-five Dollars, being the proceeds of the draft of Messrs. B. C. Webster & Co. on H. Blanchard & Co. of Kinderhook for Three Thousand Dollars, which we have to day received from the Bk of Kinderhook as per statement accompanying the receipt.

We remain

Your Mo. Obt. Svts.

WADSWORTH & SHELDON

Interest Agents

NEW YORK Novem. 13, 1849

HIS EXCELLENCY
AUGUSTUS C. FRENCH

DEAR SIR: I arrived in this City on the 9th inst. and find that on the 24th Ulto.¹ Mr. Sheldon forwarded to you the specification of account of Messrs. Thompson & Forman. Since which the same parties (Messrs. Hicks & Co. of this City) have handed in the statement of the whole transaction with Thompson & Forman, herewith enclosed to you.

I have not seen the account as no copy was returned here, but with this statement no doubt the whole matter will be placed in a comprehensive view before you, and enable you to act understandingly with reference to the adjustment of the business. I consider it of great importance to get a settlement of the business and get up and canceled the Bonds still in possession of Messrs. Howland & Aspinwall. Any settlement made with Messrs. Thompson & Forman must of course be a matter for negotiation, as I do not suppose that the State could at once pay the amt. claimed, if upon examination it shall appear just, but some arrangement would necessarily have to be made to pay a certain amount in the Bonds of the State. Whatever action you shall think best to take in the matter, I shall be happy to aid you in carrying out.

Since my return I have learned that Mr. Macalister has come to an understanding with Mr. Holford and that he will probably be ready in a few days to commence the exchange of the Bonds. I see nothing in the

¹ This letter is not found in the Letter-Books.

way of this and if every thing with Mr. Macalister is satisfactory think I will at once commence the exchange. The notice required by the law can be given as soon as your Excellency thinks proper, but so far as parties are ready to exchange there is no necessity to delay for the publication of the Notice. I hope soon to hear from you relative to this as well as to the business with Thompson & Forman.

I have not yet heard of the action taken by the legislature relative to the proposed change in the Constitution. I trust however that the proposition was carried as I am fully convinced of the expediency of the measure.

If the business with Macalister is soon arranged it will be necessary to give him Liquidation Bonds dated back to July, and of course all the Liquidation Bonds will have to bear uniform date. Such being the case they will be entitled to payment of interest on the first of January next, pro rata out of the Interest fund, and the balance will have to be provided out of the State Treasury.

The whole amount of those bonds say \$280,000, or thereabouts, together with other amounts to come in, will swell the amount on which interest must be paid up to fully \$11,000,000, and I would suggest whether it would not be well to take that amount to strike the January dividend upon, and pay \$5 50/ on each \$1000, this would require \$60,000— and I should hope would leave funds enough to divide \$6. next July, which would require \$66,000—

I remain very truly

Your Obt. Servt

JULIUS WADSWORTH

NEW YORK November 28, 1849¹

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH

DEAR SIR: I am in receipt of the letter of Mr. Moore of the 17th inst.² with a list of "New Int. Impt. Stock" the certificates of which have been canceled by you, and I have caused them to be transferred from the

¹ For answer to this letter see *ante*, 217.

² This letter is not found in the Letter-Books.

accounts they now stand to a new account which I have opened on the Stock Leger entitled "*Canceled certificates.*"—

In furnishing the list the name of the party expressed in the certificate when canceled should be given instead of the name in which the Certificate was originally issued .

No list is furnished of "Interest Bonds" which have been canceled, it would be well to do so.

Enclosed you will find certificate No 2274. Interest Bond which has been purchased for the School Fund and charged [to] that account as per bill enclosed \$196 49/ which absorbs all the funds in our hands within 3 or 4 dollars.

On the 3rd of October whilst I was absent at the West Messrs. Geo. Robbins & Sons transferred to "The Governor of the State of Illinois" "Four Thousand Dollars" of New Internal Improvement Stock, which they say they done [*sic*] by the directions of a Divinity Student by the name of Platt at New Haven, and for a party in Missouri whose name is not given. No advice of this transfer has ever been received from you, and we are not aware of what was the object. The matter has not come under my notice until since my return, and I have not thought to mention it before. I enclose the Certificate herein, and if all is right please send instructions to transfer them in same manner as other Canceled Certificates.

Nothing has yet been done relative to the Macalister & Stebbins business but they are all in readiness and the matter will be commenced soon. Mr Macalister has a receipt of Col. Oakley for five bonds. "Public Buildings," which he gave Col. O. on an order of Gov. Ford. These bonds have however been presented and funded by Nevins, Townsend & Co. so that it would appear that the State never received them.

If however Mr. Macalister gave them to Col. Oakley on such an order and Col. O. has misapplied them, it would not appear just that Mr. Macalister should suffer by such delinquency. Mr. Macalister will write you on the subject, and I shall follow your instructions, whether to allow them in settlement or not.

I remain Your Obt. Svt.

JULIUS WADSWORTH

The draft of \$15,000, you mention in your letter has been received this morning, it is at 80 days time, which appears to be rather unnecessary as sight exchange at St. Louis is but $\frac{1}{2}$ per cent premium, which is only equal to 30 days. The amount when due (March 23d) will be applied as directed by you. It strikes me that it would be better to keep funds belonging to each particular account separate, and I hope it will be convenient to remit special funds for the Peabody settlement.

I remain Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK Jan'y 29, 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We are without any of your recent favors to answer, and have nothing of importance to communicate. The January Interest has been called for pretty promptly, and considerable sums have been paid on former dividends, so that the amount overpaid by us, (that is beyond the amts. provided) is quite considerable, and the necessary amount to cover each instalment should be made up by taking it from funds collected or hereafter to be collected. The fault arises from having made the dividends on \$9,270,000, instead of upon \$10,500,000, or \$11,000,000. We will as soon as Mr. Briggs can get the time make up a statement of the amounts paid out on each instalment with the amount provided & strike the difference, and show as nearly as possible the amount necessary to be provided to cover each instalment.

We enclose you a bill for services to Jan'y 1st as agents for Transfers, which we hope you will make a special remittance to cover. There are also some contingent expenses which stand charged in a/c against the State. We suppose the appropriation of 1500 Dollars by the Legislature is to cover cost of Transfer Agency and contingent Expenses. It will soon be necessary to have more blank Certificates for transfers and we will order some from the Engravers, and forward soon for signatures. We fear we may get out before they can be returned from Springfield unless despatch is used.

We remain Your Mo. Obt. Svts

WADSWORTH & SHELDON

NEW YORK Feby 12, 1850¹

HIS EXCELLENCY

AUGUSTUS C. FRENCH

DEAR SIR: I enclose you a letter received from Messrs. Matheson & Co. relative to the amt. due their predecessors. Also a statement of the claim of Mr. George Peabody, which they have forwarded to Messrs. Wetmore & Cryder of this City, for adjustment. They have forwarded the 12 Bonds of £225, each, on which the money was advanced. You are aware that I have not in my possession any thing relative to this matter, neither their former accounts or the Law, therefore can do nothing in the premises. I hope on receipt of this you will forward the original account with a copy of the law and the necessary funds to cover the amount of their claim, with exchange say 9½ or 10 per cent, and interest up to such time as it will be settled. I do not doubt it will be as well to convert the Auditors Warrants about this time as any other.

I have been quite unwell for some days past or I should have sent you statement of interest payments, shall do so in a few days. I have sent you by Express to-day a box containing two books of blank certificates for principal Bonds one for transfers and one for funding. I have remaining but a few of each and unless great despatch is used in signing and returning them I shall be out which will cause much inconvenience so do not delay. Nothing further has been done in the Macalister & Stebbins matter, and Mr. Macalister is much disappointed that you have not replied with your decision relative to his accts. &c.

I remain Truly Your Obt. Svt.

JULIUS WADSWORTH

NEW YORK Feby. 21, 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: I wrote you on the 12th inst. advising the transmission by Express of a box containing two books of blank certificates for signatures.

I now hand you herewith a copy of the accts. with Messrs. Matheson & Co. as Interest Agents in London, complete, and their accts, and

¹ For answer see *ante*, 222.

vouchers, having been examined, will be forwarded to you with canceled bonds &c when an opportunity presents.

On the 1st March I shall forward you the usual abstracts of registers of Bonds & Scrip surrendered, and New Stock issued.

Herewith you will receive an extract from a letter of Matheson & Co. relative to some bonds held by Lord Gardner which by some oversight were not registered. I have submitted the matter to Mr. Leavitt & Capt. Swift, who say that if at the time of subscription, some memorandum descriptive of the bonds was made that it may be proper to permit the registry of the bonds, and advise that the facts be submitted to the board of Trustees, at the May session. I have written Matheson & Co. that I would submit the case to your Excellency and the Trustees, so that such action as you might think proper to suggest might be taken.

You will also find herewith a carefully prepared statement of the several dividends of interest, and a balance of each dividend showing how the funds will stand after all payments are made. The amts. assumed as yet to be paid are I think rather below the actual amt. outstanding which have not been presented, as there is from 5 to 600,000 Dollars of Intl. Imp. & Canal Scrip remaining unfunded which when funded will come in for all the dividends since July 1847, and consequently should be provided for by a fund held sacred for that purpose.

You will observe that for the 4th dividend \$7,915,49 will be required to cover all the Stock, but as there will be some excess on other dividends, I have as you see deducted those amounts and show that \$6,443,47 will be sufficient to make the whole dividends complete, not however providing for expenses and exchange on remittances.

The amount received for the 4th dividend was \$55,945,40 and the amt. divided was \$63,000, which leaves this dividend deficit \$7,054,60. Which amount I trust your Excellency will authorise to be retained out of the \$15,000, remitted some time since and due on the 23d March.

The amount divided for the eighth dividend was \$60,375,00, the amount remitted was \$57,012,52, or \$3,362,48 short of the amt. divided. I would therefore suggest that you direct the \$15,000, applied as follows, \$7,054,60 to the 4th Dividend, \$3,362,48, to the 8th Dividend, and the balance \$4,582,92, to the 9th or next July Dividend. This will in my judgement [*sic*] place the different funds for each instalment on the proper footing and preserve each dividend to be applied to its appropriate payment when called for. No other course can be pursued without at some

future time causing difficulty, as it cannot be just to apply funds belonging to one dividend to pay upon another and thus leave a deficit in the fund taken from.

I remain Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK Mar, 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I returned last evening from Washington, where I have been spending about two weeks, and am in receipt of your favor of the 7th Feby.¹ relative to the settlement with Macalister & Stebbins, Geo. Peabody, &c and am also in receipt of a copy of the letter written by your Excellency to Mr. Macalister, and shall follow out your directions relative to the settlement of the same, hoping soon to get definite directions about the 5 Bonds received from M. & S. by Col. Oakley, I enclose a copy or duplicate of a letter by Matheson & Co. received per last Steamer, relative to the account of Magniac, Jardine & Co.

Herewith you will receive the Abstract of Registers of Bonds & Scrip surrendered and New Internal Impt. Stock & Interest Bonds issued to the 1st March 1850.

The Canceled Bonds & Scrip are packed up ready to be forwarded to Springfield by the first opportunity.

I also hand you herewith a brief statement of Bonds & Scrip outstanding, which yet remains to be funded, and presume most of these amounts will come in within the year, as I am advised in whose hands considerable of it now rests, awaiting sundry settlements before the parties can fund. I very much wish the Law authorized the issue to Interest Bonds of \$300—as that would enable a number of parties holding single Bonds to fund them.

I remain Dear Sir

Your Mo. Obt. Svt.

JULIUS WADSWORTH

¹ *Ante*, 221.

STATEMENT OF ILLINOIS BONDS & SCRIP FUNDED & OUTSTANDING
MARCH 1ST 1850

Intl. Impt. Bonds signed by Fund Commrs.

Whole amt. outstanding May 1st 1849	\$383,000
Amt. funded from May 1st 1849 to March 1, 1850	\$161,000
	<hr/>
Amount still outstanding	\$222,000

Intl. Impt. Bonds signed by R. F. Barret[t] Fd. Com.

Whole amt. outstanding May 1st 1849	\$66,000
Amt. funded from May 1st 1849 to March 1st 1850	24,000
	<hr/>
Amount still outstanding	\$42,000

State House Bonds

Whole Amt. outstanding May 1st 1849	5,000
Amt. funded from May 1st 1849 to Mar 1, 1850	2,000
	<hr/>
Amount still outstanding	3,000

State Bank Bonds

Whole amt. outstanding May 1st 1849	75,000
Amt. funded from May 1st 1849 to Mar 1, 1850	75,000

Bank of Illinois Bonds

Whole amt. outstanding May 1st 1849	177,000
Amt funded from May 1st 49 to March 1, 1850	53,000
	<hr/>
	124,000

Sterling Bonds £225

Whole amt. outstanding May 1st 1849 a 8%	27,000
Amt funded from May 1/49 to Mar 1, 1850	23,760
	<hr/>
Amount still outstanding	3,240

Sterling Bonds £100

Whole amt. outstanding May 1st 1849 a 8 %	3,840
Amt. funded from May 1st 1849 to Mar. 1, 1840	2,400
	<hr/>
Amount still outstanding	1,440

Internal Impt. Scrip signed by Hogan & Prentiss

Whole amt. outstanding May 1st 1849	326,499,27
Amt. funded from May 1st 1849 to Mar 1, 1850	29,757,71
	<hr/>
Amt. still outstanding less \$63,648,69 surrendered by Macal- ister & Stebbins	233,092,87

Internal Impt. Scrip signed by Shields, Carpenter & Trumbull

Whole amt outstanding May 1st 1849	13,498,59
Amt. funded from May 1, 1849 to Mar. 1 1850	0,000
Amounts still outstanding	<u>13,498,59</u>
Total Amt Bonds & Scrip outstanding March 1, 1850	642,271,46

NEW YORK April 9 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I received a few days since from Mr. Cam[p]bell a remittance to apply on the Peabody claim \$4,266 and \$1,200 for salary as Transfer Agent for 1849. Which I duly acknowledged to him, and shall pay over to the agent of Mr. Peabody the amt. and trust you will have forwarded the accts. which I believe are in your possession. I have received your letter of the 29th¹ ulto. in which you say that you will forthwith take up the accts. of Thompson & Forman with a view of bringing about a settlement. You do not however speak of the accts. of Magniac, Jardine & Co. which was made the subject of a letter some time since from Matheson & Co. In relation to the matter of Lord Gardner, I have by the last Steamer received from Messrs. Matheson & Co. an amended Register of Canal Bonds, which they forward to be sent to you and substituted in place of the one sent Gov. Ford in Novem. 1846. In the amended register they have embraced the bonds of Lord Gardner, they wish me to submit this to Mr. Leavitt & Capt. Swift and then forward to you. I have seen Mr. Leavitt and he finds no objections to the new Registry. I shall send the package by first opportunity after hearing from Capt. Swift. In my letter of Feby. 21,² I gave you some statements relative to applying the \$15,000, which was last remitted. You have not noticed or replied to these suggestions, and the draft of \$15,000 having matured and been collected I have concluded to make out receipts for the same in the amts. mentioned in that letter. It being nearly or quite in accordance with your views when I was in Springfield, and as expressed in your letters of Decr. 18th and Feby. 2nd.³

¹ This letter is not found in the Letter-Books.

² See *ante*, 317.

³ For letter of December 18 see *ante*, 217.

I have left the matter open since the draft was collected hoping to get your definite directions. I presume this will meet your views and if so it will be all right—if not by returning the receipts it can be applied in such manner as you may definitely direct. I will simply repeat what I have before said that this application of these funds will make all the former dividends complete and will prevent any confusion of the different dividends which I deem quite important.

I enclose Wadsworth & Sheldon rects. for \$7,054,60 on acct. of the 4th dividend, \$3,362,43 on acct. of 8th Dividend and \$4,582,92 on acct of the 9th or next July dividend—

I have made no further progress in the matter of settlement with Macalister & Stebbins but presume as soon as the time limited in the notice is up, that they will make a final settlement.

The blank Certificate which you advise as having been forwarded have not yet come to hand.

I remain Dear Sir

Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK April 22, 1850

HON. AUGUSTUS C. FRENCH
GOVERNOR &C

DEAR SIR: We had this pleasure on the 15th inst.¹ and now have to acknowledge the receipt of Mr. Moore's letter of the 11th inst.¹ covering a remittance of Five Thousand Dollars for acct. of the next July payments of Interest and herein hand you our receipt for the same—& remain

Your Mo. Obt. Svts.

WADSWORTH & SHELDON

Interest Agents

P. S. I have written Messrs. Matheson & Co. for the accounts and explanations you desired as expressed in your letter to me under date of 8th April,¹ and remain

Truly Yours

JULIUS WADSWORTH

Agent &c &c

¹ Neither letter is found in the Letter-Books.

NEW YORK April 27, 1850

HON AUGUSTUS C. FRENCH GOVERNOR &C
SPRINGFIELD

DEAR SIR: I am in receipt of your favors of the 17th & 19th inst.¹ the latter covering a copy of a letter written by Govr. Ford to your Excellency, relative to the 5 Bonds which Macalister & Stebbins want to have allowed them.² I have taken due note of the matter, all of which will be strictly confidential and your instructions adhered to by me.

Nothing further than heretofore advised has been done with Messrs. M. & S. and it is quite possible they will delay doing anything further until the expiration of the notice, when I hope the whole matter will be closed and this vexed matter at an end.

It will be necessary to include the bonds issued and to be issued to M. & S. in our dividend of next July, and with all other bonds &c on which interest will be payable will make fully \$11,000,000, which I hope there will be funds enough to pay \$6. per 1000, requiring \$66,000 for the dividend. The balance of the July interest on the Macalister & Stebbins bonds after paying pro rata out of the interest fund will have to be remitted and I suggest that it be promptly attended to, in order to give confidence in the intention of the State to meet all her recent engagements and arrangements. It will also facilitate the settlement with M. & S. if they learn that it will be promptly provided for.

I will soon have some blanks for transfers struck off to be in readiness when you send for them.

More will be required before long as transfers are getting more frequent.

I remain dear Sir

Your. Mo. Obt. Svt.

JULIUS WADSWORTH

Agt. of Ill.

¹ Neither letter is found in the Letter-Books

² For Ford's letter see *ante*, 222.

NEW YORK April 27, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We duly received the remittance of two drafts made by Mr. Moore on the 18th inst. and advised by you, amounting to Nine Hundred and fifty four 54/100 Dollars, and herein enclose you our receipt for the same on acct. of the Ninth dividend which is payable on the first Monday in July next.

We remain Your Mo. Obt. Svts.

WADSWORTH & SHELDON
Interest Agents

NEW YORK May 10, 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I duly received your favor of the 22nd April¹ covering a copy of the acct. of Peabody, but that is only up to June 1847, I wanted the original acct. as the basis of interest calculations &c.

The agents of Peabody, have the acct made up to last January, and in the absence of any other acct. I have to take that for the settlement, and have made up the acct. some days since adding interest at 5 per cent up to July the time at which a bill of Exchange at 60 days sight would fall due in London, and allowed the rate of 60 day bills for the exchange 9½ per cent which makes the claim amount to about 100 Dollars more than the amount forwarded me for the settlement

I shall pay the whole amount and have sent the Agent several times within the last few days asking him to call and close it. I think it will be closed tomorrow, and if so will send you the papers, and request the balance to be remitted.

I remain dear Sir

Your Mo. Obt. Svt.

JULIUS WADSWORTH

¹ This letter is not found in the Letter-Books.

NEW YORK May 10, 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I had this pleasure yesterday¹ and now have the satisfaction to hand you herewith the settlement of the claim with Geo. Peabody and the discharge therefor executed by Messrs. Wetmore & Cryder his Attorneys. The 12 Bonds of £225 each have been surrendered to me and canceled, and I will hold them subject to your order, and hope the opportunity you mentioned some time since will occur in order that these and other papers and canceled bonds may be forwarded to you.

In the settlement of this claim, I am obliged to be guided by the acct. furnished me by Wetmore & Cryder to which interest has been added at 5 per cent up to July 24, the date that the remittance of a 60 d/s bill will be collected by Peabody, and exchange on same 9½ per cent which is the rate for 60 days bill. You will observe by the account handed you the State will owe Wadsworth & Sheldon \$100,—and I hope you will remit that amount on receipt of the acct. to apply in payment thereof.

I do not doubt the acct. of Peabody is correct, although I should have felt better satisfied to have had the original acct. and contract with Ryan and Oakley. The charge of 3 per cent commission is for 1 per cent every 4 Mo. which is customary with all London Bankers, and is properly allowed, and no doubt provided for in the contract.

I remain very Truly

Your Mo. Obt. Svt.

JULIUS WADSWORTH

Letter from Chas. Macalister Esqr.

NEW YORK May 21, 1850

HON AUGUSTUS C. FRENCH
GOVERNOR OF THE STATE OF ILLINOIS

DEAR SIR: I came on here expecting to carry out the provisions of the law the notice to holders having expired yesterday but there appeared to be some difficulty in the mind of Mr. Wadsworth, in regard to the

¹ Probably the letter of May 10. See *ante*, 324.

second Section. The object & spirit of the law I consider plain, but the phraseology in the last paragraph of the second Section is somewhat contradictory—I allude to this portion of it—viz—“To receive the same by furnishing an amount of other liabilities of the State equal to that outstanding as aforesaid—” The amount of outstanding liabilities being there in the hands of other holders than Macalister & Stebbins, are provided for by the law requiring you to retain (return is the word in the law) a sufficient amount of the liquidation bonds to meet the outstanding liabilities referred to, being those in the hands of parties who have not accepted the provisions of the law—Or in other words the object and spirit of the law is to provide for the amount due M. & S.—which Mr. Wadsworth makes \$267,305 09/100 By the issue of the amount of liquidation bonds the State expects to receive including those bonds taken up by her \$913,215 44/100 of State Securities.

The amount taken up by the State is,	\$413,000
Surrendered by James Holford is—	276,648,99
In the hands of holders who have not availed themselves of the benefit of the law	178,000
To be surrendered by Macalister & Stebbins	45,566,45
	<hr/> 913,215,44

This accounts for the whole of the securities.

Has for the issue of liquidation bonds	
Gment. J. Holford.....	\$150,000
Retained to meet outstanding liabilities in conformity with the statement rendered M & S—verified under oath, & Six Months having expired.....	44,168,11
To be issued to James Holford on % of M & S— M. & S.	50,400 22,736,98
	<hr/> \$267,305,09

This exactly accounts for all the Securities and all the bonds in conformity to the law, & it is a melancholy fact that to get 22,736,98 of liquidation bonds which are worth in the market about \$16,000—I have to put up securities which would bring in the market this day 26,500//

There can be no other construction put upon the law than that which I have given—If it be urged that the last paragraph requires M. & S.—to put up other securities of the State they must receive some equivalent & the State has nothing to give but the 44,168,11 of liquidation bonds,

and they are pledged to pay 178 of the interest bonds, which are still outstanding—To pay them out is to commit an act of repudiation never designed by the State. On the contrary, the state virtually says to the holder of these bonds, although you have not availed yourself of the provisions of the act, we will not avail ourselves of your neglect, but will issue at any future time the bonds which have been provided for your benefit.

Mr. Wadsworth informs me he has not received any instructions to allow in the settlement the \$5000 bonds handed C. Oakley, about which I presume M. Kennedy could give some account—he has also calculated the interest agreeable to your instructions, to which I object but cannot help myself—but I do beg that you will give him immediate instructions to carry out the law as designed by the Legislature & upon the principles set forth in this letter

Respectfully

Yours

C. MACALISTER

NEW YORK May 22nd 1850¹

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: The six Months notice given to holders of the Macalister & Stebbins Bonds expired on the 20th inst. and Mr. Macalister has come forward prepared to close the business. There has however a little question arisen in my mind as to the proper construction of the second section of the Law, and I have declined to act conclusively in the matter until I have submitted to you the plan of settlement and procured your approval. I have therefore drawn up a complete acct. of all the securities which under the Law are required to be surrendered with the interest computed up to 1st Jany. 1850. Also a statement of Bonds &c surrendered and to be surrendered, and a statement of the amt. of Macalister & Stebbins claim deducting the amt. due other holders of the bonds not surrendered and showing the further amt. of Liquidation Bonds to be issued to M. & S. on the surrender of \$44,000 of principal, and \$22,440 interest.

This will leave outstanding after settling with M. & S. 178 of the

¹ For answer to this letter see *ante*, 226.

Interest Bonds in the hands of sundry holders to whom there is due according to Macalister & Stebbins statement \$44,168,11, and which I suppose can be issued to the several parties in Liquidation Bonds, when they surrender the Bonds held by them as stated by Macalister & Stebbins. This manner of settlement is as I suppose the plan contemplated by the law, but as the second section is capable of different construction, I submit to you to determine and advise me if this settlement meets your views.

The amounts and the interest computations are all correct. Their account having been made up as provided in the Law and not in accordance with Mr. Macalisters views as expressed in his communications with you, and I suppose the only question to be determined is whether the balance of the Liquidation Bonds can be issued to Macalister & Stebbins after returning the amount due to the holders of the 178 Bonds M. & S. to surrender enough other Bonds to make up the whole amount of Bonds &c principal and interest, after deducting the 178 Bonds, or as stated in my statement herewith submitted to you.

If this is correct I wish you to advise me without delay and I will at once close the matter with Messrs M. & S. The amount of Liquidation Bonds thus issued will be \$223,136 98/ which will have to be provided for on 1st July all but the amount which will be paid out of the Interest Fund. The \$44,168,11 Liquidation Bonds will have to bear date Jany. 1st 1850, whenever they are issued and funds provided to pay the interest regularly, but as the time when those parties may come forward to receive the Bonds is uncertain it is as well probably to omit the provision for interest until they shall be issued.

As soon as I hear from you I can bring the matter to a close and will forward you the canceled Bonds &c with a full registry of the transaction.

I remain Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK May 23rd 1850

TO HIS EXCELLENCY
AUG. C. FRENCH
SPRINGFIELD

DEAR SIR: We hand you herewith our receipt for one thousand dollars on account of the July 1850 instalment of Illinois Interest, it

being the amount of the draft received from Mr. Moore, and which we acknowledged to him under date of the 10th inst, and have collected this day. We annex a statement of funds already received for a/c of the next July Interest, showing the further amount necessary to remit to cover that instalment if fixed at \$6.00 on \$11,000,000, and remain, very truly

Your most Obt. Sevts

WADSWORTH & SHELDON

Interest Agts.

Amount credited March 23,	\$ 4,582,92	
“ - “ April 18,	5,000,00	
“ “ “ 25,	954,54	
“ “ May 23,	1,000,00	
Draft (Part for this div) due July 20,	14,545,00	
“ June 20,	30,000,00	
	<hr/>	
Amt. reced	\$56,082,46	
“ to be remitted	9,917,54	
	<hr/>	
	\$66,000,00	

This should be remitted in draft, to mature before 1st July.

NEW YORK, May 28, 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I am in rect of your favor of the 19th May,¹ and have communicated the substance of it to the Agents of Messrs. Thompson & Forman since which I have been handed by Messrs. Hicks & Co. (the Agents of Thompson & Forman) the enclosed account, which has been forwarded as requested by your letter to me under date of April 8th. They say that this account had been settled and for that reason they did not think it necessary to forward it. The subsequent accounts having before been sent you they did not suppose it necessary to send duplicates.

The £11,700, they claim to hold in security for their account and to have a lien upon the remaining Bonds in the hands of the assignees of Wright & Co. as further security for the payment of their acct. and for damages under the contract, as appears by their statement of the contract, forwarded last fall with their acct. I forwarded as I before informed you

¹ *Ante*, 225.

a copy of your letter to me of 8th April,¹ to Matheson & Co. who handed it over to Thompson & Forman. In their letter advising that they had done so they say, "We notice that the Governor alludes to the Bonds having passed into the hands of our predecessors as Wrights assignees, which however you are aware is a misconception, these documents having been lodged with them, as neutral parties, by order of the court, at the request of the Illinois Commissioner."

From the views expressed by you in your letter of 19th inst, there appears to be a very wide difference between Messrs. Thompson & Forman and your views of their rights, and the chances for a settlement would appear to be very doubtful. What effect your last communication may produce upon them I am unable to state, but I have taken the liberty of suggesting to Messrs. Hicks & Co. that they recommend to Mess. Thompson & Forman, to make up in brief their claim in account and name the amount which they claim for damages, and send forward a tangible proposition for settlement of the whole matter—Or otherwise appoint an agent to proceed directly to Springfield and go through with your Excellency a thorough examination of the whole transaction and make if possible a final settlement. If no settlement can be effected and a surrender of the Bonds obtained, some action might be taken for the purpose of notifying the public that the State does not consider those Bonds as a valid claim against the State—

If any further correspondence is necessary—would it not be better for your Excellency to correspond directly with Messrs Thompson & Forman, than through me and by me through their agents here. It strikes me that a direct correspondence would the better enable you to reach some proper understanding of the matter—than if carried on through three or four different parties

I remain Your Mo. Obt. Svt

JULIUS WADSWORTH

P. S. The settlement of the Peabody claim, the Macalister & Stebbins business, and this matter of Thompson & Forman, together with numerous other matters connected with the Agency engrosses nearly my whole time, and considering the small compensation allowed, I have thought proper to ask if you would not consider it just that some allowance be made me for these special matters?

Yours truly

JULIUS WADSWORTH

¹ This letter is not found in the Letter-Book.

NEW YORK May 31st 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I duly received the letter of Mr. Moore dated 18th inst.¹ covering a statement of indebtedness surrendered to you, with your order to issue Stock for the same, and I herewith hand you twenty certificates amounting to \$20,517 15/ of New Internal Improvement Stocks, and ten Interest Bonds amounting to \$9,207 25/ in the name of Breed & Livingston, also one certificate New Intl. Impt. Stock for \$1867 79/ and one Interest Bond for \$871 63/ in the name of Ureal Mills, all of which I trust you will find correct. I shall forward you in a day or two abstracts of Registers of Bonds &c surrendered and New Stock issued to the 1st June. I look for answers daily to my several letters since the 10th Inst

And remain

Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK June 11th 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I am this morning in receipt of yours of the 3rd inst.² advising receipt of my letter of 22nd May³ relative to the settlement of the Macalister & Stebbins affair. And your views (which accord with the construction I put upon the law) I have communicated to Mr. Macalister. I hope to hear from him in a few days, and trust he will adopt your suggestion and surrender all but the 178 Bonds, and receive a pro-rata of the Liquidation Bonds.

Your letter of 1st or 4th inst.¹ (I cannot distinguish which) is also received this morning, desiring me to let you know precisely the amount which will be necessary to meet the interest in July on the Liquidation Bonds issued. In reply I would say that at present but \$150,000 of the Liquidation Bonds have been issued, the interest to July upon these

¹ This letter is not found in the Letter-Books.

² *Ante*, 226.

³ *Ante*, 327.

Bonds will be \$4,500 from which deduct \$6. on each \$1000, (which I suppose will be the rate paid in July out of the interest fund) say \$900—leaves to be remitted \$3,600. You can see from the statement I forwarded the whole amount of Liquidation Bonds to be issued in case Macalister should surrender all the outstanding "Interest Bonds" or other securities in their stead. Also the amt. in case he should surrender all but the 178 Bonds and receive the pro rata amount on Liquidation bonds and can be guided in your remittance accordingly. I will see that the interest is promptly paid on whatever amount may be issued.

I am truly Yrs.

JULIUS WADSWORTH

NEW YORK June 20th 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We have to advise of the collection this day of the draft remitted us on the 5th April last E. W. Clark & Bros. on E. W. Clark Dodge & Co. for Thirty Thousand Dollars, drawn April 3rd at 75 days after date and falling due June 20th for account of the dividend for July 1850.

We herein hand you our receipt for said amt. \$30,000—carried to the credit of the Ninth dividend.

Your Mo. Obt. Svts.

WADSWORTH & SHELDON
Interest Agents

NEW YORK June 27, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We are this day in receipt of your favor of the 20th inst.¹ also the letter of Mr. Moore covering a remittance of Thirty six Hundred dollars in 1 d/s dft on E. W. Clark, Dodge & Co. for the purpose of paying the balance of interest on \$150,000 Liquidation Bonds after paying \$900—out of the Interest Fund. The amt. will be collected on the 1st

¹ This letter is not found in the Letter-Books.

proxo and paid as directed, and we enclose you herewith our receipt for the amount.

Very Respectfully

Your Mo. Obt. Svt.

WADSWORTH & SHELDON

Interest Agents

NEW YORK July 9th 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

DEAR SIR: I am this morning in receipt of your letter¹ on the subject of the business with Messrs. Thompson & Forman and think it places the whole matter in a perfectly clear and fair light and cannot see as any exception can be taken by them.

I expect now to leave for England about the 25th inst. and when in London I will take occasion to call upon them and have a conference upon the subject, and hope that such an interview may result in some propositions or suggestions that may form the basis of a final settlement, at all events I will endeavor to arrive at the length and breadth of their claim and learn what their utmost expectations are in the premises.

I have not been able to make any further progress in the business with Messrs. Macalister & Stebbins—and fear all is done that can be done under the law, unless some new view of it can be taken. Capt. Diller has not yet made his appearance, but I hope soon to see him and have him take the canceled bonds and other papers which have for some time been in readiness for him.

I remain Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK July 9th 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: We duly received your letter of the 29th² relative to an arrangement with Mr. Kreigh to receive funds from the Treasury and draw upon us.

¹ Letter of June 27, 1850. See *ante*, 229.

² This letter is not found in the Letter-Books.

We do not see well how we can adopt your suggestion to draw receipts and lodge with the Mich. City Br. Bank. We think however the following plan may answer the desired purpose, and we hereby agree to guarantee the State from all loss or damage in consequence of the transaction.

When there shall have collected \$5,000 to \$10,000 in the Treasury for the interest fund let Col. Taylor or D. Kreigh be notified to receive it and on receiving it let them give a draft at 60 days date on either ourselves or American Exchange Bank, signed D. Kreigh Cashr. or E. D. Taylor President, for the amount, and this draft forward to us and we will return our receipt for the amount to the credit of the interest fund.

We think this plan such as will be approved by yourself and will suit Col. Taylor and Mr. Kreigh. We shall be glad of course to have funds sent as early as possible that we may derive as much advantage as circumstances will permit.

If this arrangement does not suit we will arrange with Wadsworth Dyer & Co. to take the money at Springfield and give an order on us for which we will return our receipt.

We remain Very Respectfully

Yours &c

WADSWORTH & SHELDON

NEW YORK July 20, 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

DEAR SIR: The draft of Fifteen Thousand Dollars forwarded from your Excellency to us by letter of the 8th May,^{*} matured to day, and has been collected from Messrs. Clark, Dodge & Co. and credited to account as directed by you, as follows. Fourteen Thousand Five Hundred and forty five Dollars to the Ninth instalment of Illinois Interest, and Four Hundred and fifty five dollars to your private account, and we hand you herein our receipt for the amount credited the Interest Fund, \$14,545.—

The draft for \$11,300, forwarded on the 14th June matures on the 23d and when collected we will send our receipts \$9,917 54/ for credit of Ninth Dividend, and the balance for credit of Tenth Dividend payable January next, \$1,382 46/

* This letter is not found in the Letter-Books.

We wrote you on the 9th inst.¹ relative to the proposed arrangement with the Michigan City Br. of State Bk. of Indiana, on Mr. Kreigh Cashr. and we duly received your valued favor of the 5th relative to the same subject. We hope the suggestions in our letter may be acted upon and see no difficulty in the way and have so written to Mr. Kreigh. Under that arrangement you take no risk, even if there was risk, the drafts of Kreigh Cashr. are as good or better than those of E. W. Clark Brothers & Co. We have written Kreigh that we do not doubt if he sends down his drafts you will pay over the money to their Agent.

Should you still see objections to that method, you may if you please forward the funds to Messrs. Wadsworth, Dyer & Co. at Chicago by Express, taking the Express Cos. receipt and forward to us, and we will on its receipt forward you our receipt for the amount and credit the same to the Interest Fund.

We remain Dear Sir

Your Mo. Obt. Svts.

WADSWORTH & SHELDON

HIS EXCELLENCY

AUG. C. FRENCH

DEAR SIR: I have forwarded to you by mail a complete registry of bonds, Scrip &c surrendered and canceled under the Macalister & Stebbins law, and a registry of the Liquidation Bonds issued. I see no probability of any thing further being done under that law for some time. Some of the holders of Macalister & Stebbins Bonds, say they are determined to hold them until they are paid in full or they will lose the whole.

I will forward those canceled bonds by Capt. Diller when he is here, which he informs me will be about the 1st Aug. All the other papers, Canceled Bonds Blank Certificates &c will then be forwarded.

I remain Your Excellencys

Mo. Obt. Svt.

JULIUS WADSWORTH

New York July 20, 1850

¹ *Ante*, 333.

NEW YORK July 20, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: Your esteemed favor of the 12th inst.¹ informing us that Mr. Moore would enclose us a draft on E. W. Clark, Dodge & Co. for \$15,000—also the letter of Mr. Moore covering such draft came to hand this day, and the draft will be held until due Octo. 14/17, when if paid we will forward our receipt for the same on account of the Tenth instalment for payments of Interest. We are sorry it should be necessary to take drafts having longer than 60 days to run, as Mr. Kreigh proposed to take the funds and give drafts at 60 days date. There may be a saving to the State in this plan of remittance, but it renders by just so much our compensation for doing a very intricate and often laborious business. When the arrangement was made funds were forwarded in sight drafts, whenever any amount was collected.

We would much prefer to receive the Specie at Springfield and give our receipt for it than have it forwarded in longer drafts than 60 days from date. We leave the matter however to your own choice in making remittances.

The small remittances which you advised us would be made on the 9th July have not yet reached us.

We remain Dear Sir

Your Mo. Obt. Svts.

WADSWORTH & SHELDON
Interest Agents

NEW YORK July 23d 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We wrote you on the 20th inst.² and now enclose you our receipts for the amount of the draft of E. W. Clark Brothers & Co. on

¹ This letter is not found in the Letter-Books.

² *Ante*, 335.

E. W. Clark, Dodge & Co. for \$11,300, which fell due and has been collected to day—as follows,

To Cr. of Ninth Dividend	\$9,917,54
“ “ “ Tenth Dividend (Jany 1851)	<u>1,382,46</u>
	\$11,300,00

We remain Very Respectfully

Your Mo. Obt. Svts.

WADSWORTH & SHELDON

Interest Agents

The Credits to Ninth Dividends
are as follows

March 23rd, 1850	\$4,582,92
April 18th “	5,000,00
“ 25th “	954,54
May 23d “	1,000,00
June 30th “	30,000,00
July 20th “	14,545,00
“ 23d “	<u>9,917,54</u>
	\$66,000,00

NEW YORK July 24, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: Your valued favor of the 16th inst.¹ is just received covering through Mr. Moore a remittance of Five Hundred & Eighty Dollars which has been applied as you direct, as follows

\$100. to pay the amt. advanced to complete the Peabody claim
105. “ “ bill of Rawdon, Wright, Hatch & Edson.
231,68 to your credit to com paid on draft in favor Johnson & Co.
<u>\$143,32</u> “ “ on account
\$580.00

I observe that no remittance is made to cover the small balance due on the Peabody claim \$71 91/ should you remit this amount it will be paid over on its receipt.

¹ This letter is not found in the Letter-Books.

Mr. Gregg and Mr. Brayman have both called upon me to day. They return soon to Illinois. I sail on the 27th inst. in the Steamer "Atlantic" shall not be absent more than about six weeks.

I remain Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK July 26, 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

DEAR SIR: I wrote you on the 24th inst.¹ Since which I have been handed the enclosed copy of a letter by the Attorneys of Messrs. Thompson & Forman on the subject of my communication to them, as I advised you on the 28th May last.²

By this you will observe they state their claim as follows

For Iron supplied	£14,400.	13.	9
" Damages on amount of Iron	36,147.	10.	0
	<hr/>		
	£50,548	3	9

Fifty Thousand Five Hundred forty eight Pounds three shillings & nine pence. Equivalent to about Two Hundred & Fifty Thousand Dollars.

This I do not doubt you will consider to be out of all reason, and I presume after talking the matter over with them I can persuade them of the unreasonableness of expecting under any settlement to be allowed the difference between the contract price of the Iron & the present value.

I sail tomorrow, and whilst in London will have a correspondence with them on the subject.

For the amount of the Iron supplied you are aware Messrs. T. & F. were paid in Bonds, which they have funded into New Internal Improvement Stock \$56,160, Interest Bonds \$19,467,76, which they claim to hold in security for payment of the first sum, & a lien upon the Bonds with Howland & Aspinwall for damages on the iron not delivered. I think when they become convinced that any lien they may claim upon these bonds will prove of no avail they will be disposed to be more modest

¹ *Ante*, 337.

² *Ante*, 229.

in their claim. I hope at least by seeing them to get some proposals which may form a basis of a recommendation by your Excellency to the Legislature on the subject.

I remain Dear Sir

Your Mo. Obt. Servant

JULIUS WADSWORTH

NEW YORK July 26, 1850

HON. AUG. C. FRENCH
SPRINGFIELD

DEAR SIR: We are in receipt of your favor of the 17th inst.¹ relative to the arrangement with Mr. Kreigh. We do not see as it is necessary to say more than we have relative to taking the drafts of Mr. Kreigh Cashr. and we repeat that you can deliver any specie you have to remit to us, to Mr. Kreigh cashr. or his agents on receiving his draft upon us the American Exchange Bank (Acceptance waived) at 60 days from date, and upon receiving such draft from you we will immediately send you our receipt for the same to the credit of such instalment of interest as you may direct. We do also guarrantee [*sic*] the State from any loss in consequence of taking these drafts. If you desire you can send such sums as Mr. D. Kreigh does not take, by Express, as we suggested a few days since.

Very Respectfully

Yours &c WADSWORTH & SHELDON

NEW YORK Aug 19th 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH GOV.
SPRINGFIELD

DEAR SIR: The Agent of the Alton and Sangamon Rail road Co. has transferred to us 2000\$ of Illinois Interest Bonds with which he proposed to pay the State the 2000\$ in State indebtedness, as per agreement at the time of purchase of the road from the State.

This two thousand dollars in Bonds we have agreed to hold subject to your approval, and wish to know if it is right, and if it is, to ask you to forward us your receipt for the same or to authorize us to sign one for

¹ This letter is not found in the Letter-Books.

the State. The Agent wished us to inform you by telegraph that he had made the deposit with us, which we did last Saturday P.M.

In a letter of June 18th¹ Julius Wadsworth mentioned that the Agents of Geo. Peabody had presented a further claim for 71 91/100 Dollars, by referring to it you will understand it, they have called upon us twice since Mr. W. left, and wished us to call your attention to it again.

Very Respectfully Yours

WADSWORTH & SHELDON

NEW YORK Aug 29th 1850

TO HIS EXCELLENCY

AUGUSTUS C. FRENCH GOVERNOR &C

SPRINGFIELD ILLINOIS

DEAR SIR: We have yours of the 22nd also a letter from E. Moore Esq acknowledging the receipt of packages per Isaac R. Diller Esq forwarded to you by ourselves.²

Mr. B. C. Webster has called on us and mentioned what you wrote, about his examining the books and accounts, we told him that we were ready at any time, and whenever he had your instructions he said he would call and examine the accounts, and we judge from what he said that he expected more definite directions from you in a few days, as he did not know definitely what you wanted him to examine.

We notice that you acknowledge the receipt of a telegraphic despatch from us advising you of the receipt by us of 2000\$ bonds of the State from "Alton & Sangamon R. R. Co." Our object in sending this despatch was to learn if Interest Bonds were satisfactory, these 2000\$ being in Interest Bonds, we fear from your letter that you do not understand what these bonds are, and consequently think best to await your further directions before sending the bonds to you, in ours of the 19th we wrote you fully upon receipt of which we presume you will reply and presume this may reach us in time to send the bonds by Mr. Webster.

We see that you wish us to send you the interest vouchers, this it will be almost impossible for us to do, unless we get out an entire new set of Interest receipt Books. As we take the receipts in a book for

Neither letter is found in the Letter-Books.

each instalment separate, and as we have some receipts in each book almost daily, we must either have new books or retain these. Should it be necessary for these receipts to go to Springfield please send us word immediately, so that we can be prepared with new books. We will endeavor to see Mr. Webster, and he may give us a more definite idea of what will be necessary, when we will write you again.

Very Respectfully

Your Obt. Servts.

WADSWORTH & SHELDON

NEW YORK Septem 11th 1850

AUGUSTUS C. FRENCH, GOV &C
SPRINGFIELD

DEAR SIR: Yours of the 30th¹ was duly received and your directions to us to receive and receipt for the 2000\$ Interest paying bonds of the State of Illinois from the Alton & Sangamon R. R. Co. has our attention. On the receipt of the above instructions we called upon Mr. J. B. Danforth, agent of the Road, and told him that the 2000\$ in Interest Bonds of 1857, would not be satisfactory, and that we had your orders to receive only Interest paying Bonds, when he told us he would see in the course of a few days and settle it but to day he called with a Mr. Hickox of your place, who is interested in the road and says that Mr. H. will leave here this evening for Springfield and will call on you on the subject immediately after his arrival and see if he cannot get you to take the Interest Bonds of 1857

As soon as you have seen him will you inform us of your decision as early as possible, so that we can close the transaction. Mr. Webster is now here and has commenced his examination of our accounts.

We remain Truly Yours

WADSWORTH & SHELDON.

NEW YORK Septem 13th 1850

AUGUSTUS C. FRENCH GOV &C
SPRINGFIELD ILLS

DEAR SIR: We have to day received from E. Moore Esqr. Four Drafts of D. Kreigh Esqr. Cash on the American Exchange Bank of

¹ This letter is not found in the Letter-Books.

this City amounting in all to Forty nine Thousand Seven Hundred Dollars due Sept 4th which amount we have placed to the credit of the Tenth Dividend as per our receipt herein enclosed.

We last addressed you on the 11th since which Mr. Webster has continued his examination, and hopes to complete it in a few days, the accounts being lengthy requires very close attention, which he is giving to it. We hope our Mr. W. will return before he leaves, as he may be able to suggest some plan to obviate the necessity of sending our Interest receipt books to you which is going to cause us a great deal of confusion and trouble, and we hope can be obviated in some way, we are however perfectly ready to obey your instructions to the letter.

You requested us some time since to invest for the School Fund in Illinois Internal Improvement Stock at 50, these are now selling at 52½ but we think they will not maintain their price. The Interest Bonds have now declined to 28½ to 29, and will soon we think touch 28 when we will buy

Very Respectfully

Yours

WADSWORTH & SHELDON

NEW YORK, Sept 21, 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH GOV &C

SPRINGFIELD

DEAR SIR: We duly received yours of the 9th inst.¹ and notice the contents.

We immediately informed the Agent of the Alton & Sangamon R. R. that you would not accept any but Interest paying indebtedness, the agent then promised to send us in the two Bonds, but the next day before he had purchased the news of the passage of the Cairo & Galena & Chicago R. R. Bill was received and the Bonds advanced to 57, at which price 1000\$ was sold to day, the agent then declined to purchase saying that he would wait to hear from Mr. Hickox before he bot as he was in hopes you would consent to accept the Interest Bonds of 1857 and was also in hopes the Bonds would be lower.

The Interest Bonds of 57 were to day not offered less than 35, though there were no sales at that 32½ being offered.

¹ This letter is not found in the Letter-Books.

Mr. Webster left here two or three days since, having completed his examination of our a/c and certifies that it was correct, we have sent by him vouchers for the whole amount which was paid up to July 1st 1850, which we trust will be satisfactory. These vouchers are the checks cancelled by the Bank as being paid, and most of them are endorsed.

Respectfully Yours

WADSWORTH & SHELDON

NEW YORK Septem 23, 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

DEAR SIR: I arrived in this city on my return from England on the 21st inst. after a very prosperous voyage. I have looked over the correspondence between your Excellency and Wadsworth & Sheldon, and the transactions relative to State matters since my absence, and find all correct. I am sorry that I should have been absent at the time your agent for auditing the Interest payments was here, and trust you will find the report and vouchers satisfactory. If however it should prove necessary to have the original vouchers or signatures of the parties, I will endeavor to arrange our books so as to give them to you. If this was a final close of the accts, there would be no difficulty, as the books could at once be sent, but as we are continuing to make payments on all the instalments we are taking receipts in the same books. Some payments made since July last are now included so that they cannot be separated. On the first of January they can be closed so far as payments on Coupons are concerned and the books sent you in the same manner as when I audited Mr. Leavitts accts. and the payments on the New Stock made out in the same manner. The dividend books on the New Stock will have to be retained here, but if necessary certified copies can be made out. You are aware that this dividend book contains the signatures of all parties who have taken their dividends, but scattered all through the book, and the dividends of all parties who have not called, with the space left for the signature. These books can hardly be parted with from the Agency until all are paid and have signed which may run for some years before every individual will have signed. It seems to me that a copy or a concise statement certified by the party

auditing the acct. will answer. Whatever you find necessary we will try to conform to.

A source of great regret to me is that the School Fund moneys have not been invested. And the Stock has advanced materially in consequence of the passage of the bill appropriating lands for the Central railroad. I fear now they will not fall to the price which you direct them to be bought, and it becomes a question whether they shall now be bought at the market price. They are quoted to day at 57. for New Intl. Impt. Stock and $23\frac{1}{2}$ Interest Bonds. I regret the failure to get Bonds for the Interest Fund at a low price exceedingly, as I was particularly desirous to make the most possible out of the Interest Fund.

Before leaving London I got Messrs. Thompson & Forman to consent to an adjustment of their claim on terms suggested by myself, subject to your approval and confirmation of the Legislature. I will in a few days send you a copy of the correspondence, with full particulars, and in my opinion the terms are advantageous to the State, allowing the damages as arranged. I am obliged to be absent from the city a few days and leave to day, when I return I will forward the full particulars.

I am dear Sir

Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK Octo. 2nd 1850

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH

DEAR SIR: I wrote you on the 23rd ulto.¹ and having been absent from the City have delayed further communications to this time.

I now wait upon you with a copy of the correspondence between Messrs. Thompson & Forman and myself relative to their claim against the State of Illinois, for Iron delivered the State and for damages on failure on the contract for the remaining quantity of Iron not delivered.²

From a perusal of the correspondence you will find that it is the result of several conferences between myself and Messrs. T. & F. and a thorough investigation of the whole matter embracing all the conditions of

¹ *Ante*, 343.

² For this correspondence see *post*, 346-51.

the contract, and all subsequent circumstances connected with the affair.

From the terms of the contract your Excellency will observe that no offer could have been made by Genl. Whiteside to fulfil any of the conditions which Messrs. Thompson & Forman would have refused, but on the contrary they would have eagerly seized upon any offer within the broadest construction of the contract.

It appears to me that the interest of the State would be most consulted by as early a settlement of the business as possible provided reasonable terms could be obtained. There were two plans which might have been adopted by Messrs. T. & F. which might ultimately be more advantageous to them, and extremely prejudicial to the interests of the State, involving much trouble, first to procure an order of the Court for a sale of the bonds and settlement of damages on the contract, or second to keep the [contract] in its present shape until Illinois Bonds can be sold at par and then deliver the Iron. The latter course would of course require years delay but such a state of things would eventually come, and the recent grants of land by Congress will no doubt if judiciously managed by the State hasten the time when the bonds will be worth their full par value.

In view of all circumstances after much consideration I determined to submit the proposal or suggestion which you will find [copy] of herewith. Your Excellency will observe that I avoided any act which should in any way compromise the State, and disavowed acting as agent of the State. The account submitted to Messrs T. & F. by me and to which their assent is obtained, is subject to your approval and the confirmation of the Legislature and should your Excellency determine that the terms proposed are not sufficiently advantageous to the State, the affair will of course drop. I cannot however but believe you will concur in my opinion and recommend the legislature to authorise the settlement upon the terms submitted.

The amount of damages are not large, not exceeding fifty thousand dollars, as the whole amount to be paid in Liquidation Bonds is but \$130,000 dollars—whilst Messrs. T. & F. surrender about \$80,000 of New Internal Impt. Stock & Interest Bonds, as well as surrender the Bonds in the hands of Howland & Aspinwall amounting to nearly \$1,000,000—This I consider exceedingly desirable in order that the state may get up all the old indebtedness as well as get a final settlement of an old

unadjusted claim. I will only say in conclusion that I hope the arrangement may prove satisfactory and shall feel in any result that I have done my best to promote the interests of the State in the negotiation [sic]. All of which is respectfully submitted.

I have the honor to remain

Your Excellency's Mo. Obt. Svt.

JULIUS WADSWORTH

(Copy)

LONDON 5th Sept. 1850

DEAR SIR: In reference to our claim against the State of Illinois which you have been requested by the Governor to discuss with us we now at your request submit to you the amount due to us made out in accordance with the principle contained in the letter of Messrs. Oliverson & Co. under date of 12th July last which we forwarded to Messrs. Hicks & Co. New York and of which they gave you a copy—

Having had various conferences with you on the subject we are aware that a difference exists between us in regard to the period at which the price should be taken for calculating the damage sustained by us from the Contract not having been fully performed, you seemed to consider that the price in January 1841 was the proper price for estimating the Damage, we have in consequence made out another account founded on that price.

We hand you the two accounts which you will find to be marked No. 1 & 2. No 1 you will be satisfied from your own knowledge of the price of Rails is correctly calculated and as regards No 2 the two contracts we showed you as made by ourselves in January 1841 will satisfy you of the correctness of that statement—

In either mode of estimating the damage the sum is considerable, more so than you seemed to think would meet with the concurrence of the Governor to recommend to the Legislature of Illinois, this discussion with you and our desire to bring about a final settlement & to obtain an available security will induce us not to insist upon what we consider our full rights and we would even enter into a negotiation [sic] with a view to modify the amount in the account No. 2.

We have to submit these accounts to your consideration and to request that you will be good enough to favor us with your ideas on the subject. We have proceeded upon the impression collected from

our discussions with you that if a settlement is effected the payment will be made in what are termed "Liquidation Bonds" drawing Interest at 6 pr ct, payable half yearly in New York, and that the payment of the interest will be guaranteed out of the general Funds of the State, that so it may be paid in full regularly.

Should our efforts of a settlement fail we should much regret it, but of course it must not in that case affect our rights as at present existing.

We are

Dear Sir

Yours Respectfully

THOMPSON & FORMAN

Julius Wadsworth Esq.
(Signed)

No. 1. (Copy)

The State of Illinois

In account with

Thompson & Forman

Dr.

To balance of acct. for Rails delivered with interest calculated to Dec. 31 1850

£15,257. 6. 7.

Difference in value of Rails between contract rate & present rate as pr letter of 12th July 1850 £4. 15/ pr Ton which on 7610 Tons is

36,147. 10. 0.
£51,404. 16. 7.

which at the exchange is \$251,312.49

(Copy)

No 2

State of Illinois

in account with

Thompson & Forman

Dr.

To Balance of Account for Rails delivered with Interest calculated to 31st December 1850

£15,257. 6. 7

Difference in value of Rails between contract

Rate & rate in Jany. 1841 as suggested

by Mr. Wadsworth is £2. 7. 6. per

Ton, which on 7610 Tons is

£18,073. 15 "

Add Interest 10 years

9,036. 17. 6

27,110. 12. 6
£42,367. 19. 1

which at the exchange of 10 is \$207,132.22

(Copy)

FENTONS HOTEL LONDON

September 5th 1850

MESSRS THOMPSON & FORMAN

DEAR SIRS: Your communication of this date relative to your claim against the State of Illinois growing out of a contract made with you in 1839 by the Commissioners of Illinois and Messrs. Wright & Co. of London together with the accompanying accounts No 1 & 2 are before me, and in accordance with your desire as well as in conformity with our previous understanding, I submit to you the following views on the subject—

My first knowledge of the existence of your claim was the presentation by Messrs. Howland & Aspinwall of a large amount of the Internal Improvement Bonds of Illinois for funding into the New Stock, under the law of 1847 for refunding the State debt. Upon refer[r]ing to the register furnished me of the Bonds of the State outstanding, I found that these bonds were set down as being simply lodged in the hands of Messrs. Magniac, Jardine & Co. for safe keeping and subject to the order of the State—whereupon I declined to refund the bonds, and communicated the circumstances to Gov. French who concurred with me in my determination—Subsequent enquiries into the matter led to the information that the bonds had been lodged with Magniac, Jardine & Co. under an order of your Courts subject to the claims you have under the contract before alluded to for a certain quantity of railroad iron, you claiming damages on that portion of the iron not delivered and for which you held 52 bonds of the State of Illinois of £225 each as security having received the same from Messrs. Wright & Co. in accordance with the terms of the Contract. These last named bonds have been changed into the New Stock and now stand in your name on the books of Illinois. As Agent of the State of Illinois in New York I have been the medium of a long correspondence between Gov. French and yourselves relative to your alledged [sic] claims and regret that it has not resulted in a nearer understanding and settlement of the matter—

I feel warranted in assuring you that Gov. French feels every desire in behalf of the State to do full justice in the adjustment of your claim, and that he will recommend to the Legislature the passage of a law authorising a settlement with you upon terms which he shall be convinced are just and equitable—

I have therefore under the influence of an earnest desire to bring about a final settlement of this business—not however acting by authority or as agent of the State—drawn up a statement of account embracing your account for iron delivered and a certain allowance for damages on the 7610 Tons of iron not delivered—The allowance for damages I fix as a difference in the contract price, and the value of similar iron at a subsequent period, say sometime from October 1840 to January 1841 that being about the time that it became apparent from the condition of affairs in Illinois and the market value of the Stocks, as well as the failure of Messrs Wright & Co. that the State would be unable to carry out the contract with you and therefore a proper time for an adjustment of damages for failure of the contract—The difference in the value or market price of similar iron about the period named was about 2£ or a little more per ton but inasmuch as you desire a preference on your claim and payment in some security immediately available I have adopted £1 as the allowance for damages on the 7610 tons not delivered, this allowance to take date on the 1st Jany. 1841 and bear interest at 5 per cent up to 1st Jany 1851, the account so made up adding exchange at 10%, present rate amounts to \$130,396,70—

This account I submit to your consideration and suggest that you so modify your demands as to consent that I submit the same to Gov. French with the understanding that if he will recommend the Legislature to authorise the issue of Liquidation Bonds to that amount bearing 6 per cent interest from the 1st January 1851 and providing for the payment of interest pro rata out of the interest fund and the balance out of the State Treasury and to be paid promptly in New York semi annually on the 1st days of July and January in each year, that you will accept them in final settlement of the contract, and will surrender to the State the “New Internal Improvement Stock” & “Interest Bonds” received in exchange for the 52 Bonds of £225 Sterling each, before named and delivered to the State Agent in New York the bonds held by order of the Court subject to your contract—

Should you accept this proposition be assured that I will place the matter before the Governor and urge the adoption of the same by him and entertain a belief that it will result in a final settlement—

Please communicate your determination by letter as soon as possible

I remain Dear Sirs

Your Obt. Servt.

(Signed)

JULIUS WADSWORTH

(Copy)

The State of Illinois

In account with Thompson & Forman Dr.

To Balance of account of Rails delivered on contract with the Commrs. & Messrs. Wright & Co. with interest to Jany 1st 1851	£15,257 6. 7.
Allowance for damages on 7610 Tons not delivered a 1£ per Ton	£7610
Interest 10 years from Jan 1/41 to Jan. 1/51 a 5%	3,805 11,415 0. 0
	<hr/> 26,672 6. 0

which reduced to dollars at 10% exchange (the present rate) equals
\$130,396.70.

London Sept 5th 1850—

The above is the account referred to in my communication of this
date which I submit to your consideration.

Very respectfully

(Signed)

JULIUS WADSWORTH

To Messrs. Thompson & Forman.

(Copy)

LONDON 6th Sept 1850

DEAR SIR: We have to acknowledge the receipt of your favor of
yesterday's date & we feel obliged for the trouble you have taken in
the affair of our claim on the State of Illinois, we were not prepared for
so great a sacrifice as your letter requires—

The sacrifice on our part is very heavy, but under the circumstances
which exist we are induced to agree to it, we will not enter into any detail
of facts but rely on the conditions you mention being carried out with
as little delay as practicable—

We have mainly been induced to accede to the terms you submit to
us from a desire to avoid keeping the business open & that we may have
matters put upon a certainty & acquire an available property in what
we are to receive.

Although we have no doubt but the terms you point out will be
fully carried into effect yet to guard against any possible disappoint-
ment it will of course be understood that we are in no respect to be
prejudiced by the discussions which have taken place & the arrangement
now proposed if not carried into effect—

Upon the receipt of the proposed "liquidation Bonds" for \$130396.70 as per account you have sent us we shall be prepared to surrender our claim & the securities alluded to in your letter.

We are

Dear Sir

Yours respectfully

(signed)

THOMPSON & FORMAN

P.S. We send you the account showing our claim for Rails supplied amounting to £15,257.6.7. with interest to the end of this year.

Julius Wadsworth Esqr.

Copy

The State of Illinois

Dr.

In account with

Thompson [& Forman]

1849

July 1.	To Balance due this day pr account rendered	£14,400	18	9
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1850

Jany 1.	To 6 Months Interest	£360	"	5	
	less, recd in part of Int to 1st July	110.	7.	8	
					249 12 9

£14,650 11 6

July 1.	To 6 Months Interest	£366	5	3	
	less, recd in part of Int. to Jany 1850		66	6	
					299 19 3

£ 14950 10 9

1851

Jany 1.	To 6 Months Interest	£374	15	11	
	Less, recd in part on int. to 1st July 1850	68	"	1	
					306 15 0

£ 15257 6 7

NEW YORK Oct. 8th 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: The writer addressed you under date of 2nd inst^r relative to the treaty with Messrs. Thompson & Forman, and since that date none of your favors have reached us. We accompany this with a brief statement of the condition of our accts. with the several interest

^r *Ante*, 344.

instalments up to the 7th inst. merely for the purpose of enabling you at a glance to see the condition of affairs relating to interest payments.

Those balances are being gradually reduced and will no doubt in time be entirely absorbed as the improvement in the price of the stock is drawing the attention of holders to those bonds and they are collecting their arrears of interest, and it is a frequent occurrence that a lot of coupons come in on which none of the dividends have been paid. You will observe that the balances on all the instalments are now small, and the whole balance is only a little over \$22,000—

We have made up a complete account to the 1st July last embracing not only the payments on Stock presented here for payment but amounts remitted to England and other items of expenditure, with all the vouchers (except those sent by Mr. Webster) and have them in a package to be sent you by Mr. Ridgely¹ who leaves for Springfield in a day or two. This a/c will be clear and complete and we wish you would have Mr. Webster examine it & compare it with the vouchers and sign the certificate attached, and have this account substituted for the one he took out with him, as that is only for payments made here and does not embrace all the items to make the acct. complete. This package will also embrace an a/c of all (so far as rendered to us made by Messrs. Matheson & Co.) from the date to which their acct. was made up & forwarded to you, up to the 1st July with the vouchers.

Also a general account current Wadsworth & Sheldon with the several instalments of interest payments for the State which in fact is only a duplicate of the other acct. in different form as kept on our private acct. books.

Also an account with the state of Illinois, being the contingent expense acct. embracing sundry moneys received from you and paid out, with vouchers therewith. These accounts marked # will be perfectly comprehensive and will be in the most suitable shape for examination of the finance committee, and we trust satisfactory as well to your Excellency as to the Legislature.—

The transactions in the Stock of Illinois are now so large that our certificates for transfers are used up very rapidly we are now nearly out

¹ Nicholas H. Ridgely: born April 27, 1800, in Baltimore, Maryland; engaged in dry-goods trade; 1829, removed to St. Louis; 1835, became cashier of Springfield Branch of State Bank; connected with various banks in that city; one of the purchasers of the Northern Cross Railroad in 1847; tendered loan to state in 1861; interested in many enterprises in Springfield; died January 31, 1888 (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1900).

of Interest Bonds for transfers & shall be obliged soon to forward more for signature—

The price of Bonds continues to advance and we regret very much the delay of investing the School Fund Moneys and hope soon to hear from you advising purchase of Stock or Int. Bonds, the best we can. We quote now 60c & 35c. The writer will address a letter to your Excellency relative to the Central Rail Road matters, advising of some steps taken under advice of Senator Douglass, who will be in Springfield in two or three weeks.

We remain Your Mo. Obt. Servts

WADSWORTH & SHELDON

Statement of the Condition of the Several Instalments of Illinois Interest on the 7th of October 1850

<i>1st Instalment</i>	Amt. overpaid to July 1, 1850	\$612,94	
	" paid from July 1 to Oct 7	41,99	Amt. overpaid Oct. 7/50 \$654.93
<i>2nd Instalment</i>	Amt. on hand July 1 1850	270,78	
	" paid from July 1 to Oct 7	<u>50,57</u>	
	" on hand Octo 7, 1850		220,21
<i>3rd Instalment</i>	Amt. on hand July 1, 1850	1184,05	
	" paid from July to Octo. 7	<u>91,00</u>	
	" on hand Octo 7, 1850		1093,05
<i>4th Instalment</i>	Amt. on hand July 1, 1850	648,97	
	" pd. from July 1 to Octo 7	<u>489,31</u>	
	" on hand Octo 7, 1850		159,66
<i>5th Instalment</i>	Amt. on hand July 1, 1850	2813,21	
	" pd from July 1 to Oct 7	<u>552,31</u>	
	" on hand Octo 7, 1850		2260,90
<i>6th Instalment</i>	Amt. on hand July 1, 1850	2341,43	
	" pd from July 1, to Octo 7,	<u>563,49</u>	
	" on hand Octo 7, 1850		1777,94
<i>7th Instalment</i>	Amt on hand July 1, 1850	5452,39	
	" pd from July 1, to Octo 7,	<u>958,24</u>	
	" on hand Octo 7, 1850		4494,15

<i>8th Instalment</i> Amt. on hand July 1, 1850	7381,58	
“ pd from July 1 to Octo 7	2397,66	
“ on hand Octo 7, 1850	<u>4983,92</u>	<u>\$14,989.83</u>
Deduct Amt. overpaid on 1st Instalment		<u>654.93</u>
Whole amount on all the above Instalments remaining in hands of Wadsworth & Shel- don, uncalled for Octo 7, 1850		\$14,334.90

Statement of Ninth Instalment to Octo. 7, 1850

Amounts received from Govr. French from March 23d to July 23d		\$66,000,00
“ pd by Wadsworth & Sheldon Octo 7, 1850 as follows		
pd on New Internal Impt. Stock	\$28,819,31	
“ “ Canal Bonds Delafield Certifs. & Liquidation Bonds Macalister & Stebbins	16,424,38	
Amounts remitted Matheson & Co of London	12,222,22	
Amounts pd for Stamps advertising &c	<u>32,19</u>	<u>57,498,10</u>
Amount remaining uncalled for in hands of Wadsworth & Sheldon Octo 7th 1850 a/c Ninth Instalment		8,501,90

NEW YORK Octo. 11, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We are in receipt of your valued favor of the 3rd inst.¹ in reply to ours of the 23rd Sept.² and notice your remarks about the vouchers &c. We wrote you on the 8th inst.³ advising that we had sent by Mr. Ridgely a complete acct. of the interest payment with vouchers &c and we hope you will have the same examined by Mr. Webster and his certificate signed as attached thereto.

You cannot more regret than we do the loss to the “favorite fund by not buying earlier the Stock for the School Fund,” but we acted according to our best judgement [*sic*] in delaying at the same time said to you we

¹ *Ante*, 233.

² *Ante*, 343.

³ *Ante*, 351.

would buy whenever you thought best and suggested funding "Interest Bonds." After the writer sailed for Europe your letter was recd advising to buy at 50c for principal or 28 for Interest Bonds, but at no time after recd. of that letter could they be bought at those prices and Mr. Sheldon understood that we were limited at those prices. Before the writer returned the Land Bill had passed (which we had by no means anticipated) and the price went directly up. Since then we have been in doubt how to act. The Stock is now worth $61\frac{1}{2}$ for principal and 38 for Interest Bonds, and we think it possible you may find some parties in Illinois of whom you may purchase on better terms than of parties here,—say of Breed & Livingston &c and draw upon us, or pay out of interest money and on advice we will send you receipt for the amt. In the mean time we will further await the movements in this market and think the fever for speculation will soon abate. In fact we believe most purchasers of the Stock are acting under the impression that the donation of lands are going to enable the State soon to resume interest payments in full or nearly so but they must soon get their eyes open to the facts.

James Holford has been the largest operator as he is now the largest holder of our securities. He is going out to Illinois & thinks he can drive the State into some measures to pay their interest and establish their credit by a determination (as he expresses it) to be honest hereafter.

We remain dear Sir

Your Mo. Obt. Svts

WADSWORTH & SHELDON

P.S. Whilst in Washington I had several interviews with our Members of Congress relative to some plan of operation in regard to the appropriation to build the rail road, and Senator Douglass particularly desired me to suggest some mode by which the greatest advantage can be realized to the State.

I have given the matter a good deal of attention and talked with various parties, bond holders and others, and have concluded to send a circular (under the advice of Mr. Douglass) to the principal holders of Internal Improvement Bonds. I would have preferred to have submitted it to you before doing so but found there would not be time to send it out to you & have you write back and then send to England &c in time to get replies by the time the Legislature meets, and this I think

important as many large Speculators are already moving with reference to organizing companies to take the lands and build the road. I will send you a copy of the Circular as soon as ready & do not doubt you will concur in the propriety of it.

I am truly Your Obt. Svt.

JULIUS WADSWORTH

NEW YORK October 18, 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: We wrote you on the 11th inst.¹ and are since in the receipt of your favor of the 3rd inst.² relative to the spurious Scrip received from Mr. Cushman directing us to suspend payments of interest on No 2012, until the Scrip \$148 87. is replaced by good Scrip by Mr. Sears the party for whom Mr. Cushman forwarded the Scrip. We have written Mr. Sears on the subject and will follow your directions in the premises.

We enclose you herewith our receipt for Fifteen Thousand Dollars on acct. of the 10th instalment for payments of Interest, this amt. being the collection of draft of E. W. Clark Bros. & Co. on E. W. Clark, Dodge & Co. remitted us on the 12th July last & falling due on the 17th inst. as advised in our letter of July 20th—We also enclose you bill for two blank books of "Interest bonds" which we have had printed for transfers, and which we have forwarded by Express for signature, and herein hand you the Express receipt. The bill \$52 50/ we have charged [to] the Contingent account of the State. We hope the certificates will be signed and returned with as little delay as possible, as we shall in a few days be out of blanks for transfers owing to the recent activity in the Stocks. There seems now to be a little pause in the operations in Illinois Stock and we think there may soon be some reaction and if so we will avail of it to invest the School Fund money. We will see it invested to the best advantage before December, as you desire

We are Your Mo. Obt. Svts

WADSWORTH & SHELDON

Interest Agents

¹ *Ante*, 354.

² *Ante*, 233.

NEW YORK Octo 23rd 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I wrote you on the 11th¹ inst. that under the advice of Senator Douglass I was about to address a circular to the holders of Illinois Securities, and I now enclose one of the Circulars. Before getting the Circular printed I submitted it to Mr. James G. King & others representing foreign Bond Holders and they all concurred in the policy of the Circular and approved of the suggestions, and Mr. King particularly said he would interest himself in it and write to his friends in England urging upon them the adoption of some measures as suggested.

I trust you will approve of it and presume you may see the importance of keeping these lands out of the hands of Speculators, and every effort to render the lands as available to the State as possible should be adopted.

I am about to leave for Chicago to be absent about three weeks. Shall be back to New York about the 10th proximo. and hope I may hear from you touching these and other matters, and I shall be most happy to [do] anything you may suggest for the purpose of furthering your views or wishes in any and all matters relating to the interest of the State.

I remain Your Excellency's

Mo. Obt. Servt

JULIUS WADSWORTH

P.S. I have forwarded Circulars to all the largest bond holders in England.

(Copy of Circular)

TO THE CREDITORS OF THE STATE OF ILLINOIS

The Congress of the United States, at the Session recently closed, granted to the State of Illinois the right of way through the public lands for the construction of a Railroad from the southern terminus of the Illinois and Michigan Canal to a point at or near the junction of the Ohio and Mississippi Rivers, with branches of the same to Chicago, on Lake Michigan, and to Galena, on the Mississippi River, and donated every alternate section of land for six sections in width, on each side of said road, thereby providing for the construction of nearly six hundred

¹ *Ante*, 354

miles of Railroad within the limits of said State, embracing a donation of about two and a half million acres of land, upon the condition that the State construct the said road, or cause it to be constructed, within the term of ten years.

It is therefore a matter of great importance, as well to the creditors of the State as to the State itself, that some means be devised for the purpose of constructing the road in such manner that the State or the creditors may derive the advantage of the value of the lands, or the road itself, when completed, to apply in liquidation of the State debt.

The Legislature of the State of Illinois assembles on the first Monday in January next, and movements are already being made by individuals for the purpose of organizing companies to apply to the Legislature to be incorporated for the purpose of constructing said road, and to receive the lands, or the proceeds thereof to aid in the construction.

What terms may be proposed or how advantageous to the State any proposed arrangements will prove, remains to be learned; but it is in no degree probable that any terms proposed will have for their object the sole interest of the State, or the creditors of the State; and it is highly probable that efforts will be made to procure a free gift of the lands, by the State, to some company who will undertake to construct the road.

Should such an arrangement be effected, the advantages of the grant by Congress will be almost entirely lost to the State and the creditors.

I have therefore conceived it to be a duty to the holders of Illinois securities, to place the existing state of affairs before them, in order that they may, if they should consider it for their interest, adopt some plan of action which will enable the State to construct the entire line of road, and secure the same, together with the profits therefrom, to the creditors, for the payment of their claim.

The character of the country through which the road is to be constructed is such, that the entire cost of a single tract, with heavy iron rails, will not much exceed twelve thousand dollars per mile. And if the construction can be so managed that the lands may not be disposed of until the completion of the road in sections of 50 or 100 miles, they may be made to yield from ten to twelve million dollars, whilst the cost of the road will not exceed eight millions.

If some plan could be presented to the Legislature as a plan having

the approval of a large share of the creditors of the State, or as a proposition by the bond holders, there is little doubt it would meet with the concurrence of the Legislature, provided the plan should embrace and secure the objects contemplated by the grant of lands, and furnish suitable provisions for the security of, or liquidation of the State debt.

The actual amount of money required to commence and complete the entire works, it is estimated will not exceed two million of dollars, as the lands along the line may be sold as the road progresses, and will, it is believed, yield ample means to provide for the balance of the cost of the road, and leave a surplus of lands after the completion.

Under the old system of internal improvements adopted by the State prior to her embarrassments, over one million dollars was expended in grading, bridging &c on the southern division of this line of railroad, a large part of which work is still in good preservation, and will, by so much, lessen the cost of construction; and it is not probable that to complete the southern section of one hundred miles will require an expenditure exceeding six or seven hundred thousand dollars.

After the completion of the first section, the lands along its line may be sold, and the proceeds applied to the construction of the next section; and, when this is completed, the land bordering upon it may be sold and the proceeds be applied in constructing the road as before and so on until the whole road shall be completed, applying the remaining portion of the two million dollars as required in the course of constructing the road.

A plan similar to the arrangement made with the State by the holders of Canal Bonds, for the completion of the canal would probably meet with favor from the Legislature, and would, if adopted, furnish a safe and profitable investment of money to the extent required. By this arrangement the lands granted by Congress and the right of way together with the road itself and the profits therefrom would be placed in the hands of trustees, selected in part by the creditors, and in part by the State, to secure first the payment of money advanced by the Bond holders, with the interest thereon, and next the bonds of the State, which may be registered by the holders advancing the money.

Other plans may suggest themselves to parties having in view a more profitable result from the investment, such as the incorporation of a company, composed of the creditors and others, who will advance the money, by which the lands shall be granted to the company, and authority given to construct the road and retain the entire ownership,

conditioned that the whole amount for which the lands may be sold shall be paid to the State in the outstanding indebtedness of the State.

The outstanding liabilities of the State, other than the "Illinois & Michigan Canal Bonds" registered, and not including arrears of interest or the so styled "Interest Bonds" does not vary much from eight million dollars, and a cash advance of twenty-five per cent by the holders of these securities, on the amounts held by them respectively, would produce the required amount of two million dollars for the construction of the road.

The object of this Circular, however, is not to submit to the creditors of the State any plan, but rather to call their attention to the subject, for the purpose of eliciting some expression of views, such as their interests may dictate, relative to a course to be adopted by the State in providing for the construction of the railroad out of the proceeds of the land so liberally donated by the General Government for the purpose. And further to shew the importance of some action, on their part, to secure the benefits of these lands towards the security and ultimate payment of their claims. And I shall be most happy to be made the medium of any communications, suggestions, or plans which any of the creditors of the State may be pleased to submit for the consideration of the Government of Illinois, and which may form the basis of some plan or arrangements to be adopted by the Legislature.

I have forwarded a list of the principal holders of the "New Internal Improvement Stock" to Messrs Matheson & Co. of London, which may be useful in case the bond holders should desire to have some concert with reference to the affair.

Very respectfully

JULIUS WADSWORTH

Agent of the State of Illinois

Agency of the State of Illinois
New York October 10th, 1850

NEW YORK Nov. 14, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I arrived in this City from Illinois yesterday and found your favors of the 1st inst.¹ I am happy to find my Circular meets

¹ This letter is not found in the Letter-Books.

with your approval, and I beg to assure you that I shall take much pleasure in communicating to you any circumstances which may be interesting, and all information which I may gather relative to this matter as well as all others effecting the interest of the State, and I hope there may be something to place before you in time for your consideration before the meeting of the Legislature. I have been desired by numerous persons to be at Springfield during the Session and if I can make it convenient shall endeavor to go out in December if I determine it may be useful to the great interests in question, and it is possible I may have some plan matured to submit for your consideration.

In relation to the matter with Thompson & Forman, I would say that I hope your conclusion will be favorable to the arrangement made by me as I am convinced if declined no future settlement can prove as favorable to the State. The improved appearance of Illinois affairs will render them less disposed to settle than when the arrangement was made.

The investment of the School Fund Moneys will have attention before the middle of December, and the account sent you without delay. I am disposed to think the best investment will be in the "Interest Bonds" which are now worth 38 to 39 and may decline a little further.

I will purchase the \$1000, Stock for you individually as you desire, and if you wish more purchased will buy for you if you will write me to do so, and the payment you can arrange when I see you in Springfield or after the 1st January if desirable.

Your letter of the 5th instant relative to the purchase of 19 Swords, came to hand this morning, and I will give the matter my early attention.¹

I remain Your Excellency's

Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK Nov 27th 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: We are daily enquired of as to the dividend for January, whether it will be more than in July \$6. on each \$1000. The amount

¹ The nineteen swords were to be given to Major General Shields, to the colonels of the Second, Third, and Fourth Regiments, to the eldest son of the late Colonel John J. Hardin, and to each of the field officers (*Laws of Illinois*, 1849, first session, 236-37; *Laws of Illinois*, 1849, second session, 5).

of your remittance is \$66,000—and will if no more is remitted make the same dividend as in July. We presume this is all which will be remitted, and have informed parties inquiring that the dividend would probably be \$6,—If this is correct we shall feel obliged if you will so inform us, and will advertise the same.

The dividend on Liquidation Bonds will require attention, the pro rata will be paid out of the Interest Fund, and the balance it will be necessary to remit as before. The amount issued is not changed from what it was last July, viz—\$150,000.

We remain Your Excellency's

Mo. Obt. Svts.

WADSWORTH & SHELDON

Int. Agts.

P.S. I am quite desirous to learn your determination about the settlement with Messrs. Thompson & Forman, as they have written me desiring to know as soon as possible. The securities have advanced considerably since the agreement was made, and I think they feel less desirous to carry it out than when it was agree[d] upon with me. I have no doubt the best interests of the State will be consulted in accepting the proposal

Yours &c

JULIUS WADSWORTH

NEW YORK Decr. 16, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We enclose you a statement of Illinois Stock purchased by us for the School Fund amounting to \$23,650,99, at a gross cost of \$12,251,27. Which amount we have charged the School Fund by which you will see that we have paid out \$517 12/100 more than the amount of funds received by us. This amount can however be returned to us out of other funds belonging to the Funds, or we can wait until the dividends on the Stock cover the amount. The January dividend will be

nearly two hundred (\$200) Dollars which we suppose we are to collect as heretofore and credit in a/c to the School Fund.

We have forwarded the Certificates by mail to day addressed to you, and we hope you will find the whole correct and satisfactory. It will always be our aim to do our best for the interests of the School Fund, as well as all other matters of the State entrusted to us

We remain Your Excellency's

Mo. Obt. Svts.

WADSWORTH & SHELDON

THE SCHOOL FUND OF THE STATE OF ILLINOIS

In account current with Wadsworth & Sheldon Dr.

1849 May 23	For balance as per account rendered	\$ 385 04
" Nov. 28	" purchase of Interest Bond \$770 55/ a 25½ %	196 49
1850 Dec 14	" " of New Intl Impt. Stock and Interest Bonds to this date as per statement rendered herewith	\$12251 27
		<u>\$12832 80</u>

Credit

1849 June 11	By remittance of Gov. French	\$ 483 44
Aug. 2	" collection of dividend on Stock of Wm B. Redmon	21 77
Sept. 11	By collection of July dividend on Stock of Fund	81 50
1850 June 18	By remittance of Gov. French	11537 45
" 27	" collection of January dividend on Stock of Fund	93 72
July 5	By collection of July dividend on Stock of Fund	97 80
1850 Jany 1	By Balance	517 12
		<u>\$12832 80</u>

E & O E New York December 16th 1850

WADSWORTH & SHELDON

The School Fund of the State of Illinois

To Wadsworth & Sheldon Dr.

1851 January 1.	For balance as per above account	\$517,12
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STATEMENT OF PURCHASE OF ILLINOIS STOCK AND BONDS MADE FOR ACCOUNT OF "THE SCHOOL
FUND OF THE STATE OF ILLINOIS" BY WADSWORTH & SHELDON

Date of Purchase	By Whom Purchased	Species of Indebtedness	Number of Certificate	Amount of Same			Rate	Disbursed
Novem. 8 21	H. G. Loomis Enoch Price	New Intl. Impt. Stock do.	{ 2,204 5,516 5,517 768 769 770 930 931 998	1,000	71	\$1,253	10	\$ 783
				1,441		2,441	71	1,513
Decem. 2	W. & I. O. Brien	do.	{ 2,192 1,048 5,537 2,001	1,000		6,000	00	3,615
						1,250	00	750
5	do.	do.	2,192			1,000	00	600
9	do.	do.	1,048			1,400	00	840
11	Geo. K. Sistare	do.	5,537			1,572	95	983
11	Wetmore & Cryder	do.	2,001			14,917	76	
Nov. 8	H. G. Loomis	Interest Bonds	969			990	70	356
21	Enoch Price	do.	2,406	500		1,048	43	377
29	W. & I. O. Brien	do.	2,269	548	43	598	26	216
Dec. 3	do.		148	1,000				
			375	500				
			376	500				
			377	921	16			
			521	691	76	3,612	92	1 309
5	do.	do.	962			510	35	185
10	do.	do.	1,528	691	76	1,383	52	508
11	Geo. K. Sistare	do.	1,529	691	76	589	05	212
			2,417			88,733	23	\$12,251

Total Amt. New Intl. Impt. Stock purchased as per above \$14,917.76
" " Interest Bonds 8,733.23 \$23,650.99

NEW YORK December 20, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I am now for sometime without any communications from you, and the Manufacturers of the 19 swords I have contracted for at \$150.—each, are anxiously waiting to get some information by which they can determine the designs to be enameled on the blades of the swords. I advise you that they would represent upon each blade some scene in battles which the individuals were engaged in, if you would forward a list of the names, and state in what engagement or how they most distinguished themselves. It will take two or three months to complete the swords, as the blades have yet to be ordered from Europe. I had hoped before this to have been able to communicate something from the creditors of Illinois relative to their wishes in the matter of the rail road from Cairo to Galena and Chicago. But it is a matter which few if any of them are sufficiently interested in to come forward with a matured plan. The stock is held by a great many parties and mostly in small sums, and from all I can gather I am fully of the opinion that most of them would be disposed to come into some arrangement to aid the State to build the Rail Roads under a liberal bill when a suitable consideration and guarantee should be offered them. The communications to myself and through other parties from various holders of State indebtedness, all convey favorable indications, but none propose any definite plan. In whatever is done much will depend upon the agents employed and the influences brought to bear upon the creditors of the State, and I am fully persuaded if the matter of procuring the subscriptions under a favorable bill could be placed in my hands with some other one or two men I could select, (such as would have extensive influence with foreign creditors say Jas. G. King or others I could name) and with the inducement which a small commission on the whole amount subscribed would give them to take an interest in it, there would be little doubt of Success. I have had considerable consultation with a number of persons on the subject and have within the few weeks past been preparing a bill to submit to you and offer for the consideration of the Legislature and I would forward it to you to day only I have sent a copy to Mr. King at Washington for his examination and I prefer to wait until I get his views as to the general features of the plan. It proposes however to put the lands in trust with three Trustees. It also proposes that the

road be built under the management of five Managers, that two million Dollars be raised by subscription, and that the subscribers be authorised to register Internal Improvement Stock, to have the preference in payment of interest &c and when the road is completed to be given to the State in exchange for Stock in the road to the amount of the proceeds of the Lands &c &c. I am convinced that the construction of the road cannot be guaranteed to the state under any bill incorporating a company of Individuals as no such company will come forward and engage to build the road unless the State gives them a chance for a very great speculation, and then they will have to raise the money for the purpose which I apprehend any set of men will find great difficulty in doing. I am therefore of the opinion that the only way the roads can be secure is through some arrangement with the creditors, and such an arrangement as will offer strong inducements only can be effected.

I will mail to you in a few days the bill I have drawn up, and I shall also send copies to Mr. Dyer and some other of my friends. Should it meet with your views you will be able to do much towards securing its passage by recommending it, and any changes alterations and amendments you may think best I hope you will suggest and urge.

It is not at all probable the bill is perfect in all its details even if it is in its general plan, and no doubt some additions will have to be made to it to cover the whole ground. I am sorry to see that many parties are urging various plans to make the branches as long as possible in order to secure as much land as possible. I am convinced this is unwise, and believe the road and branches should be made as short as possible and not conflict with other State interests. The Galena branch should start from Peru, and the Chicago branch from Bloomington or Decatur, the reason for having the Chicago branch diverge from a point so far south is clearly to avoid a line running parallel with the canal as it would injure the business of the Canal, and by branching at Bloomington it would run through a rich portion of the State which now has no easy communication with the Chief Markets, and would cause a rapid settlement of that portion of the State.

I did expect to go to Springfield this winter, but owing to other engagements I have abandoned going, I shall remain in New York most of the winter, and I hope if you can make me of any service to yourself or the State you will command me either by telegraph or by letter.

I remain Dear Sir

Your Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK Decem. 23d 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We are in receipt of your esteemed favor of the 7th inst.¹ advising us to divide \$6. on each \$1000 on the Stock of Illinois for Jany. 1851, and we have accordingly advertised to pay that dividend on the first Monday in January.

We also enclose you as you request an account for moneys paid out for sundry expenses and for the salary of our Mr. Wadsworth as Transfer Agent for the present year amounting in all to \$1,253.75/100

You will remember that we forwarded our acct. in October and that there was then a balance in favor of the State of \$250.59/ which still remains to the credit of the State.

We enclose you the a/c of the Transfer Agent signed by him.

We remain Your Excellency's

Mo. Obt. Svts.

WADSWORTH & SHELDON

NEW YORK Decem 31, 1850

HIS EXCELLENCY
AUGUSTUS C. FRENCH

DEAR SIR: Your valued favor of the 10th¹ inst. was received here in my absence and forwarded to me at Boston. When I telegraphed you that "there was forwarded on the 16th about \$15,000 Internal Imp. Stock and about \$8000. Interest Bonds" I did not remember the exact amount. Upon examining on my return I find the amounts as follows \$14,917.76 New Internal Improvement Bonds and \$8,733.23 Interest Bonds. Which were forwarded for a/c of School fund, with a statement of a/c. I presume it reached you in time and hope you found the same correct & satisfactory. The School Fund moneys when placed in our hands for investment shall always have our best attention.

I forwarded you some days since a copy of a bill which I have drawn up with reference to the Central Railroad, and I have since had it

¹ This letter is not found in the Letter-Books.

printed and enclose you to day a printed copy. The bill has been examined by our delegate in Congress, and I have received letters from Judge Douglass and Hon. James G. King, both fully approving the general plan, but making some suggestions of change as to details which I will communicate in a few days. They are not material but may be adopted as well as other changes which members of the Legislature deem desirable to meet the views of various parties

Mr. Kings support of my measure will I think secure its success, and he would be one of the most suitable men to select to procure the subscription but would not enlist without the promise of a good commission. I will write again soon, and remain

Your Mo. Obt. Servt.

JULIUS WADSWORTH

NEW YORK Dec. 31, 1850

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: We are in receipt of your favor of the 22d inst.¹ directing us to pay \$3,600 to Mr. Holford out of the interest funds in our hands, to make up the balance of interest on his Liquidation Bonds after paying the *pro rata* out of the interest fund. We will pay the amt. and charge it to the interest a/c with Liquidation Bonds. We prefer to pay it out of our own funds rather than take it from the back interest funds as we do not like to appropriate any of the interest moneys for any purposes except to pay the instalments for which they are set apart. and do not like to have any entries made showing such diversion in our a/c; We will therefore loan the money to that object until it is convenient for you to remit \$3,600 out of the treasury.

In relation to the arrangement with the Michigan City Branch Bank we know nothing except as related to funds remitted last summer. There is now a new Cashier in that Bank who may not understand the arrangement made by you with Mr. Kreigh. If the funds are all in specie (as I suppose is the case) the Bank at Michigan City no doubt will be glad to continue the arrangement made last summer. We however repeat our proposition of last summer that as soon as you have

¹ This letter is not found in the Letter-Books.

\$10,000 funds in hand we will receive it at Springfield and give our receipt for it. We will write Mr. Dyer on the subject and he will make some arrangement for the transmission of funds.

We remain Very Truly

Your Obt. Servts

WADSWORTH & SHELDON

NEW YORK Jan'y 9. 1851

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: I am in receipt of your favor of the 31st Ult^o.¹ advising the safe arrival of the Bonds purchased for the School Fund, also of the copy of the bill I have prepared relative to the grant of lands for the Central Railroad. You Remark that there seems to be very little confidence in the expectation that the Bondholders will consent to take hold of it at all except as intrusted in a company. This I am aware is the universal expression of all parties whose interests are concerned in getting the control of the road for a company, and such is also the tone of some of the bond holders, especially Holford, who has issued his circular letter addressed to you, also a circular addressed to the creditors of Illinois and signed "Bondholder."

Holford is a large holder of Illinois securities, a large part of which he has bought at extremely low prices, and his complaints come with a bad grace especially when he assumes the position that the reduction in the price of the bonds has "reduced families to beggary and caused well established people to turn out for servants." Few men have been benefited by the delinquency of Illinois more than this same Holford and his complaints are nothing more than the promptings of an avaricious Shylock exacting the pound of Flesh. He is by no means a fair representative of the creditors of Illinois and many of them I am aware from my own knowledge are high toned sensible men, who can see their own interests in extending facilities to enable the State to retrieve her credit and redeem her liabilities. In fact I have received sufficient encouragement directly and through friends in communication with Illinois creditors, to feel assured that were a liberal bill presented to the

¹ This letter is not found in the Letter-Books.

creditors by the State the money could be easily obtained from the holders of Illinois Stocks as well as other persons desiring safe and profitable investment.

The bill which I have prepared and forwarded, whilst it offers inducements to the creditors and others to come forward and subscribe, keeps in view the entire protection of the interests of the State which in her present embarrassed condition should always be kept in view by parties interested and representing the interests of a community like Illinois. I have not supposed that the bill was complete and have not doubted that other wise and important provisions or alterations might be made, but I believe the general policy of the bill best calculated to secure the object of the grant by Congress, and at the same time contribute most towards meeting the liabilities of the State. There are certainly strong inducements for Capitalists to take hold of the propositions presented in that bill, and if the case can be presented to them properly by persons in whose representations full reliance can be placed there will in my opinion be little difficulty in obtaining the proposed amount of subscriptions.

Could such a man as James G. King be induced to take the business in hand with his extensive acquaintance with money men and holders of Illinois Securities, and with the entire confidence he would be able to inspire in the project, there could hardly be a doubt of his success. Of course no small consideration would induce him to embark in it, but the State could well afford to pay a liberal commission to secure the construction of the roads under such an arrangement.

I have had several interviews with & communications from Mr. King and he feels particularly desirous to promote the interests of the creditors of the State, nearly one fourth of all of them being represented by his house in this City. I am not aware that Mr. King would undertake this matter but expect to hear from him in a few days with his full views relative to the measures to be adopted by the State and it is possible he will intimate his willingness to undertake to procure the subscriptions.

I do not know what favor my bill will meet with in the legislature but I feel confidence in believing that with some modifications no more favorable plan will be presented, by which the construction of the roads can be secured and the state interests protected.

It will be well no doubt to incorporate in this bill some provisions for

a company to come in under some similar arrangement, provided the subscriptions are not obtained within a limited time, and perhaps the Governor should in such event be authorised to adjust the terms on which it may be undertaken by a company but the greatest care should be observed in arranging with any company, to secure by the strongest guarantee that they are fully able and will carry out the arrangement. I have not time to write you more fully now but shall be writing to some of my friends at Springfield and shall speak further of this matter.

If you will show this letter to some of my friends it may be well.

I look with much interest for your Message, and beg to assure you of my very high consideration, and remain.

Your Excellency's Mo. Obt. Svt.

JULIUS WADSWORTH

NEW YORK Jany 10th 1851

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: In your letter of the 22nd December¹ you mentioned that you would probably have a portion of the Interest funds ready before long and that you would also have quite an amount of School Fund Moneys to transmit for investment.

We wrote you in one of our former letters that we would prefer to take the Specie at Springfield rather than have you take time drafts, and we have since written Mr. Dyer to take charge on any funds you desire to send to us, and forward the same by express. The object of our writing now is to say that whenever you are ready to forward moneys, either for the Interest dividends for July next, or for investment on a/c of the School fund, you may if you please hand them over to Mr. Dyer taking his receipt for the money to be forwarded to us, and we will send you our receipt for the money on receiving from you Mr. Dyers receipt. We hope you will take occasion whilst Mr. Dyer is in Springfield to turn over whatever funds you may have to forward as that course will save yourself trouble and we can avail of Mr. Dyers services to attend to it in our behalf.

You can at the same time give him the \$3,600 we have paid Mr.

¹ This letter is not found in the Letter-Books.

Holford on Liquidation Bonds, and the salary &c which we sent you our receipt for some time since, if you have not already forwarded those sums to us. We have written Mr. Dyer relative to this matter and he will give it his attention as soon as you are ready.

We remain Dear Sir

Your Mo. Obt. Svts.

WADSWORTH & SHELDON

NEW YORK Jany. 16, 1851

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I wrote you on the 9th inst.¹ and have not received any communications since that date, neither has your Message yet reached this City.

I have to day ordered two more books of blank certificates of New Internal Improvement Stock for transfers. I am not yet entirely out of Certificates but am in the last book, and the operations are now so large in Illinois Stock that it is probable I shall get out of Certificates before I can get new blanks out to you and get them back again. I cannot understand what has had the present effect upon Illinois Stocks, the price of "New Internal Imp." to day is 65½ and Interest Bonds 41, and large transactions are taking place. I do not know but it is some movement of the parties who are proposing to get a Charter from the Legislature to construct the Central Rail Road, as I understand they propose to pay over some amt. of Ills. Stock, as a guarantee that they will carry out their contracts. However this may be the transfers are considerable and I shall send you out the two books as soon as they can be got ready and hope you will have them returned with despatch. I have thought it would be well to change somewhat the plan of transfers and byso doing save considerable expense and avoid a good [deal] of labor.

The only plan on which this can be accomplished is to pay the arrears of interest in interest certificates and each six months make the payments promptly in cash as we now do and give a certificate for the balance of

¹ *Ante*, 369.

the interest and take a receipt for the whole, this will leave the Stock without any arrears of interest, and when transfers are made a single Certificate may be issued for any amount so that when 20 Certificates or more or less are surrendered only one certificate need be issued for the whole amount, this will be much more satisfactory to all holders of Stock who complain now that transfers are attended with so much trouble they having to cancel and sign on the back every certificate and sign receipt for each certificate received, they would also have something to show for the interest instead of having it stand in arrears, as it now does which renders the present method of transfers unavoidable.

The certificates issued might be signed by the Governor & Treasurer or by one of those officers and the Interest Agents, and would of course be made without interest, unless it may be thought proper to make them bear interest after 1857 as the Interest Bonds do in which case it would be best to make them fundable into Interest Bonds.

I do not know but there is sufficient authority in the law for refunding the State debt to do all this, but it strikes me that to issue certificates for arrears of interest would require some further authority. I very much wish you would give this matter your examination and if it meets your views try to have it adopted. The authority in the law referred to seems only to refer to transfers of Stock. I shall be writing to Senator Judd¹ in a short time and may allude to this subject and ask him to confer with you and if thought best draw up a bill.

I sincerely hope some good measure may be hit upon for the completion of the Central R. Road, and one which will be most advantageous to the interests of the State. I do not doubt but the plan I have drawn up is the best so far as providing for the debt is concerned, but any modification of that or any good substitute will meet my views.

I have the honor to remain

Your Excellency's Mo. Obt. Svt.

JULIUS WADSWORTH

¹Norman Buel Judd: born January 10, 1815, at Rome, New York; admitted to bar in native state; 1836, removed to Chicago where he built up a flourishing practice in law; 1844-61, state senator; 1860, delegate-at-large to Republican National Convention; 1861, appointed Minister Plenipotentiary to Prussia; 1870, elected to Congress; died November 10, 1878, at Chicago (Bateman and Selby, *Historical Encyclopedia of Illinois*, 1900).

NEW YORK Jany. 30th 1851

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I last had the honor of addressing you under date of the 16th inst.¹ since which your message has been received here, and I have perused it with much interest. I notice that your Excellency seems rather to favor the plan of giving the lands to a company which will build the road on the best terms, and I do not doubt that this will secure the earlier completion of the road than any other, and if sufficient guarantees can be had that the terms proposed will be carried out it may prove most advantageous to the State. So far as relates to the bill which I drew up I fear much misapprehension is entertained. The bill embodied various suggestions which had been made to me by parties in Illinois and elsewhere, and I wish wholly to disclaim any motive in drawing up that bill other than a desire to promote the interest of the State and in my feeble way contribute something towards bringing about such result. I am sure at least your Excellency will award to me the credit for faithfulness, promptness and accuracy in all the duties I have undertaken as agent of the State, and I am certain you will assign no motive in my efforts on behalf of the State relative to the grant of lands for the Central Railroad, other than avowed, and trust your Excellency will do me justice in this particular.

I forwarded by Express on the 25th a box containing two books of blank certificates for transfers, for signature and now enclose you express rect. and the printers bill, and I hope the books will be returned with as little delay as possible

I forwarded your Excellency some time in December at your desire my bill for salary as transfer agent and have not received your reply to it, nor has the \$3,600 which W. & S. have paid on the Liquidation Bonds been received. I presume in the hurry and pressure of other matters these have been overlooked, nor do I now allude to it to urge immediate attention and only for the reason that I feared you might have forgotten it. The \$3,600 I believe is payable out of the treasury of the State, and not out of the Interest Fund, also the salary.

I wrote Mr. Dyer as I once wrote you that he could receive moneys when you desired to forward either for the School Fund, Interest Fund,

¹ *Ante*, 372.

or otherwise, and before he leaves Springfield it may be well to avail of his attention to the matter, as you have suggested there would be considerable funds on hand. I have much doubt whether the present is a favorable time to buy Illinois Bonds, they are very high and I am inclined to think may go down if there should be any pressure in the money market. Intl. Imp. 67, Int. Bonds 43.

The Jany. interest on the School Fund Stock has been collected and credited the School Fund a/c against balance due us.

No directions have been received from you to collect the interest on your bonds, nor the \$4,000 standing in your name as Governor. I hope you will soon give the necessary authority, and it strikes me you ought soon to carry the \$4000 to your individual name as whenever you go out of office some trouble may arise from it. If you will send such instructions I will have the transfer made, they are now in the name of "The Governor of the State of Illinois."

I have seen nothing in the proceedings of the Legislature so far relative to the settlement with Messrs. Thompson and Forman. I am recently in receipt of a letter from them expressing a hope that it will be settled soon, and have written them that you had proposed to submit it to the Legislature. I think it is very important to have it settled at the present session as I am now convinced a further delay will be prejudicial to the interests of the state.

In the Funding of the Old debt there continues to be occasionally a small amount presented, and no doubt all will come in in time, there are several lots where the coupons cannot be found, and there are considerable lots of coupons detached, which parties wish to fund, but it cannot be done until the bonds to which they belong have been funded.

The calls for interest at this payment have been very prompt, and nearly Sixty Thousand Dollars has been paid since the 1st January, the balance on a/c of all instalments now in hand is but little over \$20,000—and daily reducing on all the instalments. Some of the instalments will be deficient in the amount appropriated for the dividend—

I remain Your Excellency's Mo. Obt. Svt.

JULIUS WADSWORTH

P. S. I have omitted to mention in my former letter that the inscriptions for the 19 swords were received, and that the order for the blades has been sent out to England and the swords will be made as

early as possible, it may be some two months before they are completed. I believe they will be got up in good style and prove quite satisfactory.

Yours truly

J. W.

NEW YORK Feby. 11th 1851

HIS EXCELLENCY AUG. C. FRENCH
SPRINGFIELD

DEAR SIR: I am in receipt of your esteemed favor of the 29th ult¹ and note its contents. The blank books of certificates have no doubt reached you ere this, they were forwarded to you by express and the express receipt enclosed to you by mail.

You observe that you cannot see what beneficial practical end can be answered by the change in method of transfers I suggested. I stated my views in my letter and am not aware that I can add more. The advantage to the state would only be in saving labor time & expense, by being able to issue a single certificate in cases where 20, 30, or 40, are often required by the present regulations, and these liable to be transferred every other day. The advantage to the holder would also be a saving of trouble, and still greater he would have something to show for the interest of each six months. The inquiry is made of me a hundred times in a month why the state if she will not pay her interest, will not give something to show for it, in the way of a certificate for such part of the interest as is not paid. The matter rests entirely with your Excellency. I have only made the suggestions for your consideration.

You allude to the newspaper animadversion which the bill for the Central Rail Road has caused. I have seen some of the articles and unhesitatingly pronounce the whole charges as malicious and without foundation, and as having in view political effect in some quarter. I am sure your Excellency will see no impropriety in my efforts, and should there be anything which might require explanation to satisfy your mind I shall be most happy to enter fully into such explanations as you may require. My own consciousness of seeking to do no more than I deemed

¹ This letter is not found in the Letter-Books.

a duty and for the interest of the State, and of having done nothing but what I can feel was my privilege to do, requires no further justification and will fully vindicate my actions.

I remain Your Excellencys

Most Obt. Servant

JULIUS WADSWORTH

NEW YORK March 19, 1851

HIS EXCELLENCY

AUGUSTUS C. FRENCH

DEAR SIR: We enclose herewith two letters received for you since you left. We have not yet learned of the arrival of Govr. Moore, but the writer has been confined to his room with illness for some days and it is possible that Gov. M. has arrived.

In a day or two the writer will address you on the subject you alluded to when here. In the mean time we wish you would authorise the arrangement by Mr. Dyer with the Cook County Collector to receive the coin collected there instead of having it transported to Springfield and back again. Any other funds you wish to forward you can deliver to the Express directed to Wadsworth, Dyer & Co. Chicago, and the Express receipt will be good against us. Nothing new has transpired.

Very Respectfully Your Obt. Servants

WADSWORTH & SHELDON

NEW YORK March 21, 1851

HIS EXCELLENCY

AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: Under the arrangements heretofore had between ourselves and your Excellency relative to our agency for the State of Illinois we have received a stated salary of \$1,200 a year for service of the Transfer Agent, and as compensation for our services as Interest Agents we have been premitted to avail ourselves of the advantages of having the money placed in our hands to get the interest upon it until called for by the creditors of the State. Your Excellency when here some days since expressed the opinion that you could place the funds for interest payments in our hands long enough in advance of the times of paying

interest to make the interest of it sufficient compensation for services both as Interest Agents and Transfer Agent, and consequently we consented and do consent to waive or relinquish the salary of \$1,200—which has heretofore been allowed us. And do agree to the following arrangement relative to receiving the specie collected from the $1\frac{1}{2}$ Mill tax. Whenever there shall be in the hands of the treasurer at Springfield the sum of \$5,000 or \$10,000 or over the Treasurer or yourself can inform Mr. Thomas Dyer, or Wadsworth, Dyer & Co. at Chicago that such funds are ready, and the order of either of those parties upon us may be sufficient authority for the Treasurer to pay over the money to any parties to whom such order may direct the money to be paid, and such order upon us when sent to us will be replaced by our receipt to your Excellency in the usual form. Or your Excellency or the Treasurer may at any time deliver moneys to be forwarded to us, to the regular express Messenger, and the express receipt when sent to us will in like manner be replaced by our receipt in the usual form. The boxes of Specie if delivered to the express agent should be marked and directed to Wadsworth, Dyer & Co Chicago—and the boxes sealed with the Seal of the Treasurer and a list of the number of boxes, and the quantity in each box, sent to us with the receipt.

Whenever there is specie collected in the hands of the Collector of Cook County, or any of the adjoining counties if you will authorize Mr. Dyer or Wadsworth, Dyer & Co. to receive it they will give the Collector an order on us which the Collector can forward to the Treasurer and we will give our receipt for such order in the same manner as in the above cases.

When your Excellency was here we informed you that Mr. Dyer had advised us that there was a considerable sum in the hands of the Collector which he wished to make such an arrangement about, and with your consent we advised Mr. Dyer to receive the money and forward you his order on us for the amount. You will probably hear from Mr. Dyer on the subject when you arrive at Springfield.

The amounts to be sent us from Springfield say the \$3,600 paid on Income Bonds, the balance due us for salary &c and other funds can be sent to Chicago by express as above directed unless you can get in some way a sight draft, which of course we should prefer. It will also be necessary soon to send forward about \$3000 to pay for the 19 Swords, and some expenses attending that matter. When the Swords are ready they will be sent by some proper conveyance to Springfield.

Govr. Moore has been here some days and is progressing with matters relating to his business here.

The Central Railroad Company has organized and will in a day or two complete the business and place the funds in the hands of the Treasurer. Gov. Moore expects to leave in a few days for home.

We remain your Mo. Obt. Servants

WADSWORTH & SHELDON

NEW YORK March 26, 1851

HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: I send you herewith the canceled Bonds & other securities surrendered by Mr. Macalister in final settlement of the Macalister & Stebbins matter. Also complete statements of the various kinds of securities surrendered, and statement of Liquidation bonds issued. These statements together with former statements sent you will show the whole securities surrendered, and Liquidation bonds issued, as follows—

Whole amount of Principal Bonds & Script surrendered	\$320,648.99
“ “ “ Interest on “ “ “ “	<u>168,219.51</u>
	\$488,868.50
Liquidation bonds issued to Jas Holford dated Jany 1, 1850	\$150.000 —
“ “ “ “ same “ “ 1, 1851	<u>50.400 —</u>
“ “ “ “ Chas Macalister dated Jany 1, 1851	<u>52.958.79</u>
	\$253,358.79

The statement will show the amt. of Liquidation bonds remaining to be issued when other parties surrender the balance of the Macalister and Stebbins Bonds. It will your Excellency is aware be necessary to provide out of the general funds in the treasury to pay the July interest on those bonds, except so far as the regular interest dividend goes, which will probably be \$7. on each \$1000, say as follows

Whole amt. due 1st July 1851	\$7,600.76
Amt to be paid at \$7. per \$1000 out of general fund	<u>1,773.51</u>
Amt to be specially remitted	\$5,827.25

I remain Very Respectfully

Your Obdt. Servt

JULIUS WADSWORTH

STATEMENT OF INDEBTEDNESS SURRENDERED BY MACALISTER
& STEBBINS AND JAMES HOLFORD UNDER AN ACT OF THE
LEGISLATURE OF THE STATE OF ILLINOIS APPR. FEBY. 10,
1849. ENTITLED "AN ACT TO PREVENT LOSS TO THE STATE
UPON THE MACALISTER & STEBBINS BONDS."

	Principal		Interest	
Amt. of Scrip surrendered by James Holford	\$39,433	55		
Interest on do. to Jany 1, 1850			\$22,776	20
Amt. of Scrip. surrendered by James Holford	24,215	44		
Int. on do. to Jany 1, 1850			14,395	64
Amt. of 2 Certifs. issued for Canal Bonds, surrendered by J. H. \$1,000 each	2,000			
Int. on do. to Jany. 1, 1850			997	67
Amt. of 211 Interest Bonds surrendered by Jas. Holford \$1,000 each	211,000			
Int. on do. to Jany 1, 1850			107,610	
Amt. of Scrip surrendered by Macalister & Stebbins	356	60		
Int. on do. to Jany 1, 1850			202	55
Amt. of Scrip. surrendered by M. & S. Mar. 13-51 \$100.00				
deduct amt. taken from principal & carried into interest	17.58	82	42	
Int. on above \$100 Scrip. to Jany. 1, 1850				58.00
Add amount taken from principal			75	58
Amt. of 2 Interest Bonds surrendered by M. & S. \$1,000 each Mch. 13-51	2,000			
Int. on do. to Jany 1, 1850			1,020	
Amt. of 3 Canal Bonds surrendered by M. & S. Mch. 13-51 \$1,000 each	3,000			
Int. on do. to Jany 1, 1850			1,356	76
Amt. of 9 Canal Bonds surrendered by M. & S. Mch. 13-51 \$1000 each	9,000			
Int. on do. to Jany 1, 1850			4,101	04
Amt. of "New Intl. Impt. Stock" surrendered by M. & S. Mch 13-1851	29,560	98		
Int. on do. to Jany 1, 1850 after deducting cash payment of interest			3,266	49
Amt. of "Interest Bonds" surrendered by M. & S. March 13, 1851			12,417	58
	\$320,648	99	\$168,219	51

STATEMENT OF BONDS &c SURRENDERED BY MACALISTER & STEBBINS AND
JAMES HOLFORD UNDER AN ACT OF THE LEGISLATURE OF THE STATE OF
ILLINOIS APPROVED FEB. 10TH 1849—TOGETHER WITH AMOUNT STILL
IN HANDS OF NONASSENTING CREDITORS.

Whole amt. of Bonds &c surrendered by Jas. Holford & Macalister & Stebbins	320,648.99	
Whole amt of Int. on do. to Jan'y 11 1850		168,219.51
“ “ “ Bonds &c in hands of non assenting creditors	178,000	
Whole amt. of Int. on do. to Jan'y 1, 1850		90,780
	<u>498,648.99</u>	<u>258,999.51</u>

STATE OF ILLINOIS

In a/c with Macalister & Stebbins

Dr.

1841

June 17.	To amount advanced	\$261,560.83
	“ int. a 7% to Jan'y 17 1842	
	7 Mos	<u>10,680.40</u>
		\$272,241.23

Cr.

1842

Jan'y. 17	By 80 Bonds \$1000 each a 26%	<u>20,800</u>
		251,441.23
	“ int. on do. to Octo 9, 1844 2y, 265 ^{ds}	<u>47,980.49</u>
		299,421.72

1844

Octo. 9	“ 333 Bonds \$1000 each a 26%	<u>86,580</u>
		212,841.72
	“ int. on balance to Jan'y 1, 1850—5y. 84 ^{ds}	<u>77,923.39</u>
		290,765.11

1850

Jan'y. 1,	“ Amt issued to Jas. Holford	\$150,000.00
	“ “ reserved for non assenting cred- itors	44,168.11
		<u>194,168.11</u>
		96,597.00

Int. on balance to Jan'y 1, 1851

6,761.79

\$103,358.79

Amt. of Liquidation Bonds issued to Jas Holford \$50,400

“ “ “ “ “ “ Chas. Macalis-

ter

52,958.79 \$103,358.79

NEW YORK April 21st 1851

HIS EXCELLENCY AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: Your favor of the 10th inst.¹ is just received, covering draft of Thomas Dyer Esqr. for Twenty four Thousand Dollars, and we herein enclose you our receipt for said amount, carried to the respective accounts as directed by you, as follows

Account of Eleventh Dividend Interest	\$19,314.09
“ “ Liquidation Bonds Int. Jany 1851	3,600.00
“ “ Salary and Contingent expenses for 1850	1,085.91
	<hr/>
	\$24,000.00

All of which we trust will be found correct and satisfactory.

We remain Your Mo. Obt. Svts.

WADSWORTH & SHELDON

NEW YORK April 24, 1851

TO HIS EXCELLENCY
AUGUSTUS C. FRENCH
SPRINGFIELD

DEAR SIR: We enclose herein our receipt for \$18,500,² in exchange for the receipt of Thomas Dyer Esqr. dated April 5th and received from Mr. E. Moore under date 12th inst.

This remittance together with former remittances on a/c of the eleventh Dividend makes the sum of	\$67,814.09
leaving to be remitted to make up a dividend of	\$ 9,185.91
	<hr/>
	\$77,000.00

We remain Very Respectfully

Your Mo. Obt. Svts

WADSWORTH & SHELDON

¹ *Ante*, 236.

² *Ibid*.

NEW YORK CITY Jany 21, 1853

DEAR SIR: At the request of Gov. Wells I have examined the accounts of the State of Illinois with Messrs Wadsworth and Sheldon and send you by mail the results. Wells could not attend to it, as he said, and requested me to act in his place and represented the matter such as to occupy but a very short time. He said nothing to me of the character of the examination and I had nearly completed it before I discovered that it was necessary for me to have some authority from you to act.

I have completed the examination in full made certificates of correctness, received and receipted for the vouchers in the expectation that you would be satisfied. If I have done right you will forward to Messrs. Wadsworth & Sheldon a letter stating to them that I have full power to act in the premises and Mr. Wadsworth very properly suggests that such letter of authority be dated at some period before the close of your administration. I have found the examination a very different affair from what I expected when I agreed with Wells to attend to it and I am very certain that I should not have undertaken it had I known or anticipated the length of time and the labor to complete it fully.

Yours &c

J. CALHOUN

Hon. A. C. French

NEW YORK Jany 22, 1853

HON AUGUSTUS C. FRENCH

SPRINGFIELD

DEAR SIR: Hon John Calhoun has just closed the examination of the accounts of Interest payments for the year ending 1st July last, and has forwarded to you by mail the accounts complete with his certificate, and has sent by express the parcel of vouchers canceled coupons and other papers, and I now enclose the Express receipt there for. Mr. Calhoun has audited the account at the request of Mr. Wells who had not time to attend to it and I wish you would forward to me a letter of authority to Mr. Calhoun, making him your agent for auditing the a/c of Wadsworth & Sheldon Interest Agents. This letter of authority should be dated back to a time prior to your going out of office. The examination required several days constant attention on the part of Mr. Calhoun, and was done in a very complete and understanding manner.

I have to day mailed to your address at Springfield a package containing the canceled Bonds, Scrip, Coupons &c funded prior to the last report with transcripts of Registers to Decr 1st 1852, which I trust will be examined and found correct.

I have hoped to hear from you relative to some of those measures which I have heretofore urged upon your attention for the action of the Legislature. The bill to settle with Thompson & Forman should be passed without fail, and the authority to the Governor to arrange transfers so as to consolidate certificates and issue certificates for arrears of interest, is also important. I shall be glad to hear from you often and to render you any service in my power.

I am truly Yours

JULIUS WADSWORTH

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